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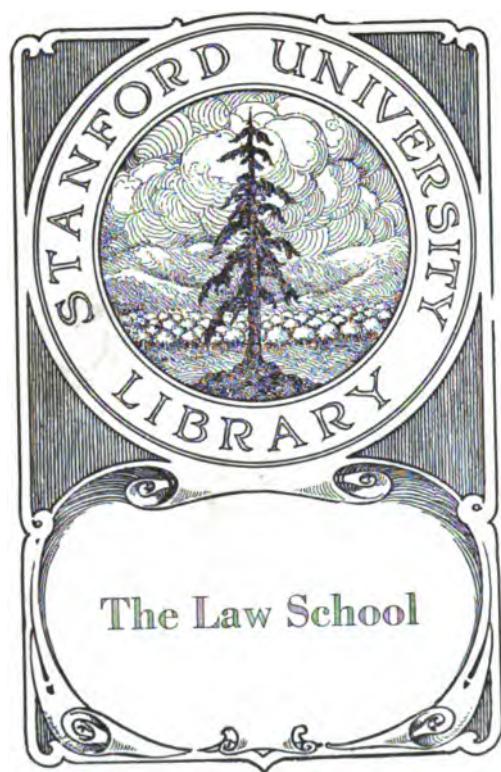
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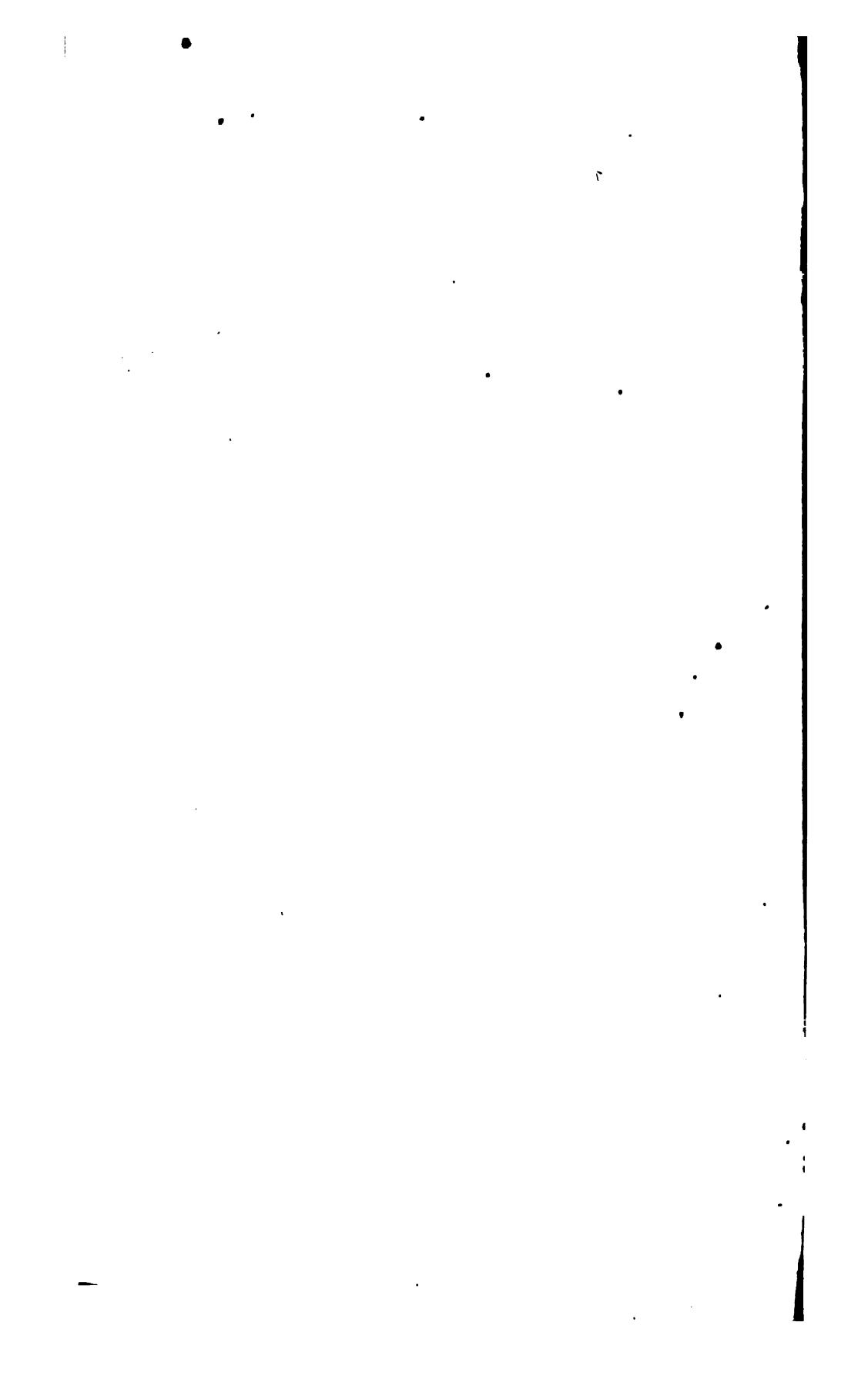
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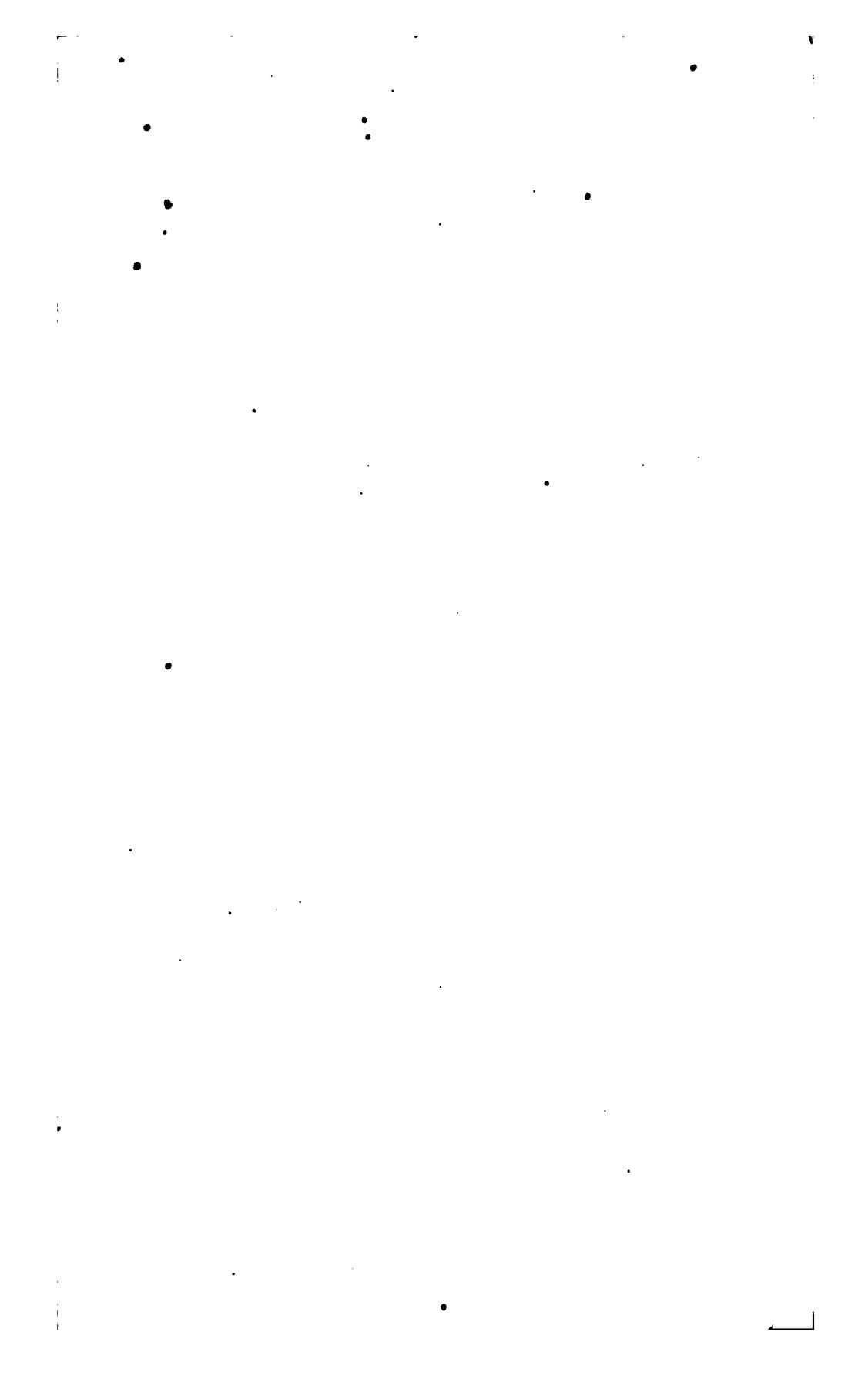
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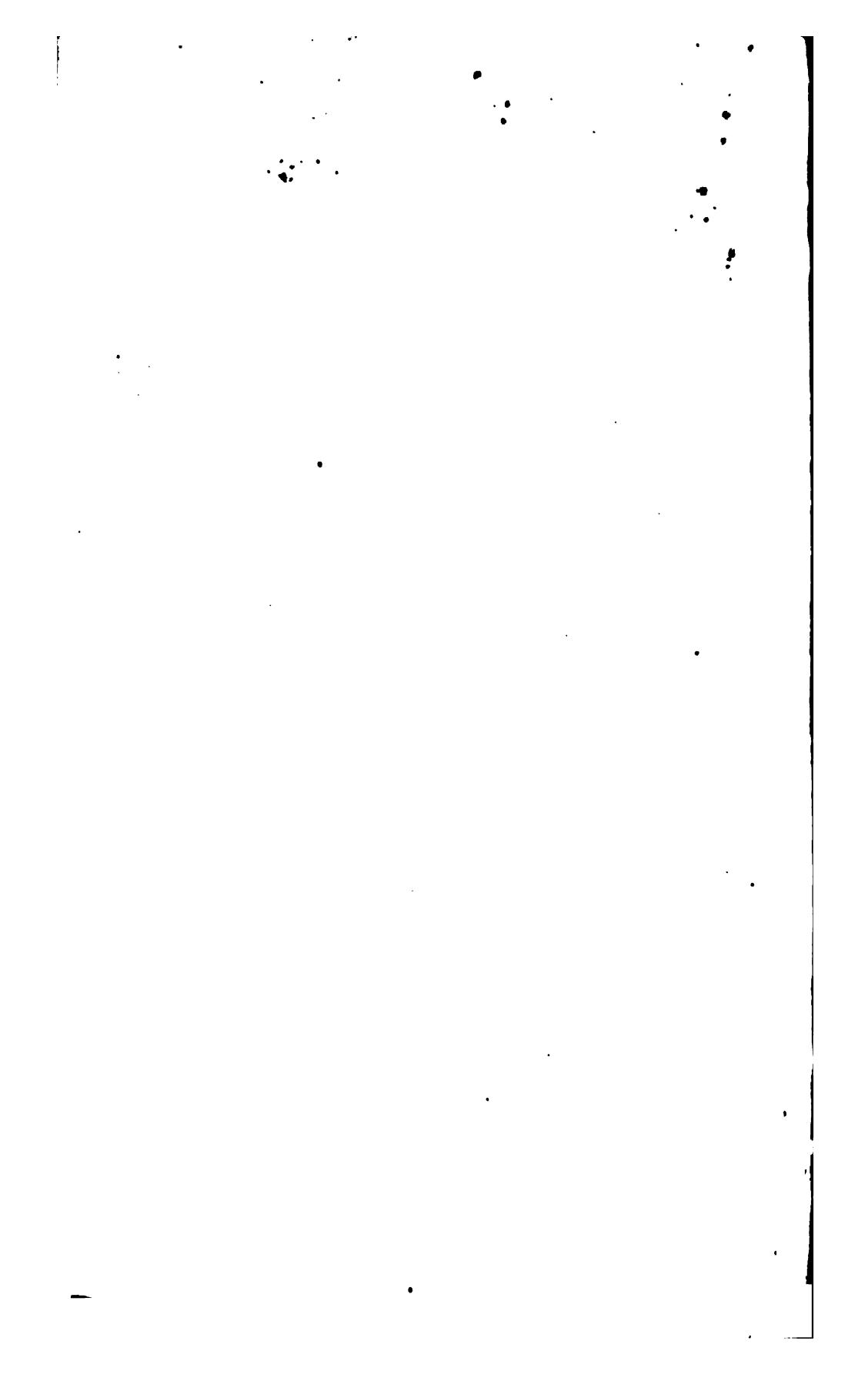


The Law School

Kentucky Collector







A C T S

OF

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED

AT THE SESSION WHICH WAS BEGUN AND HELD IN THE CITY OF  
FRANKFORT, ON MONDAY, THE 7<sup>TH</sup> OF DECEMBER, 1857,  
AND ENDED WEDNESDAY, 17<sup>TH</sup> OF FEBRUARY, 1858.

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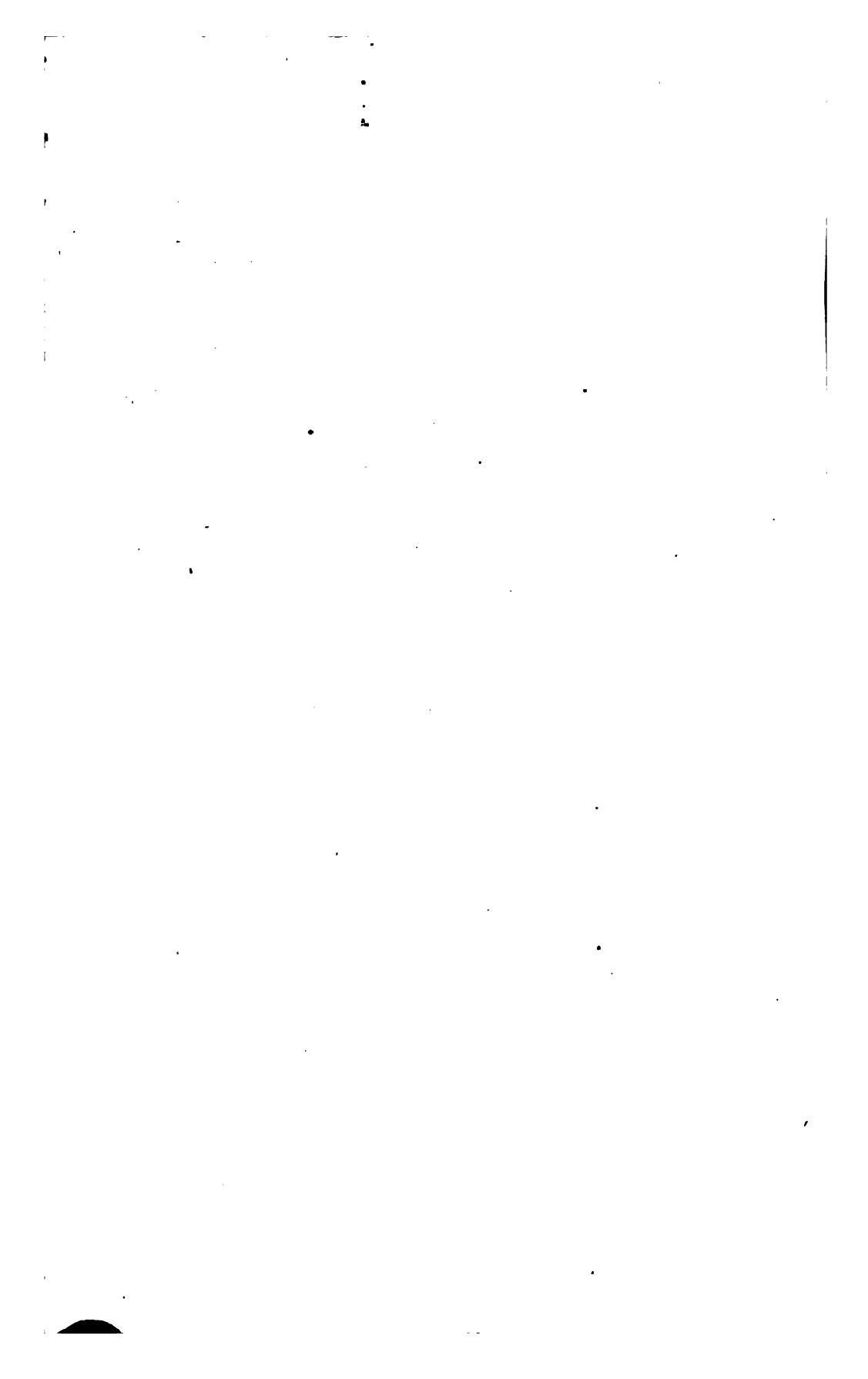
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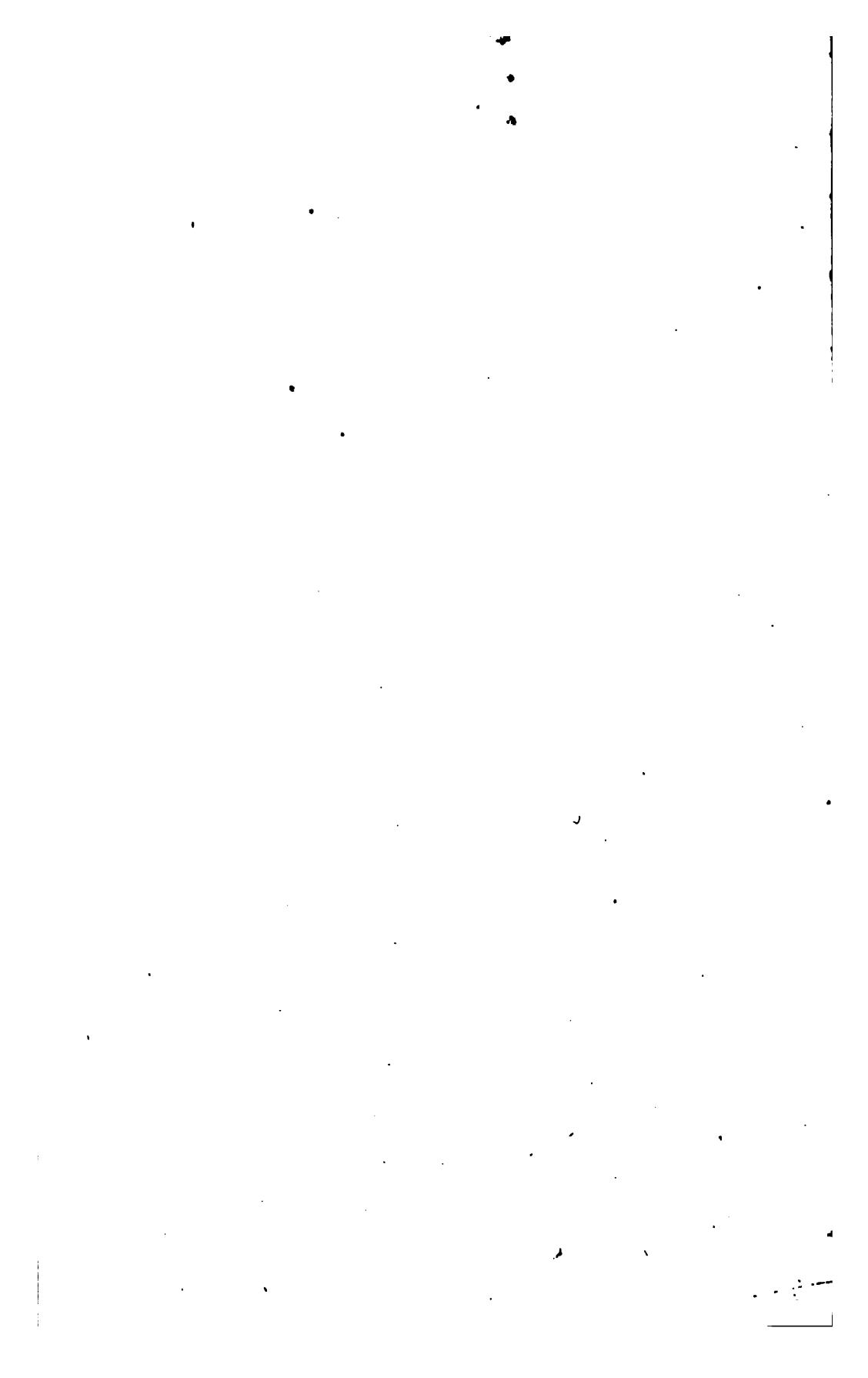
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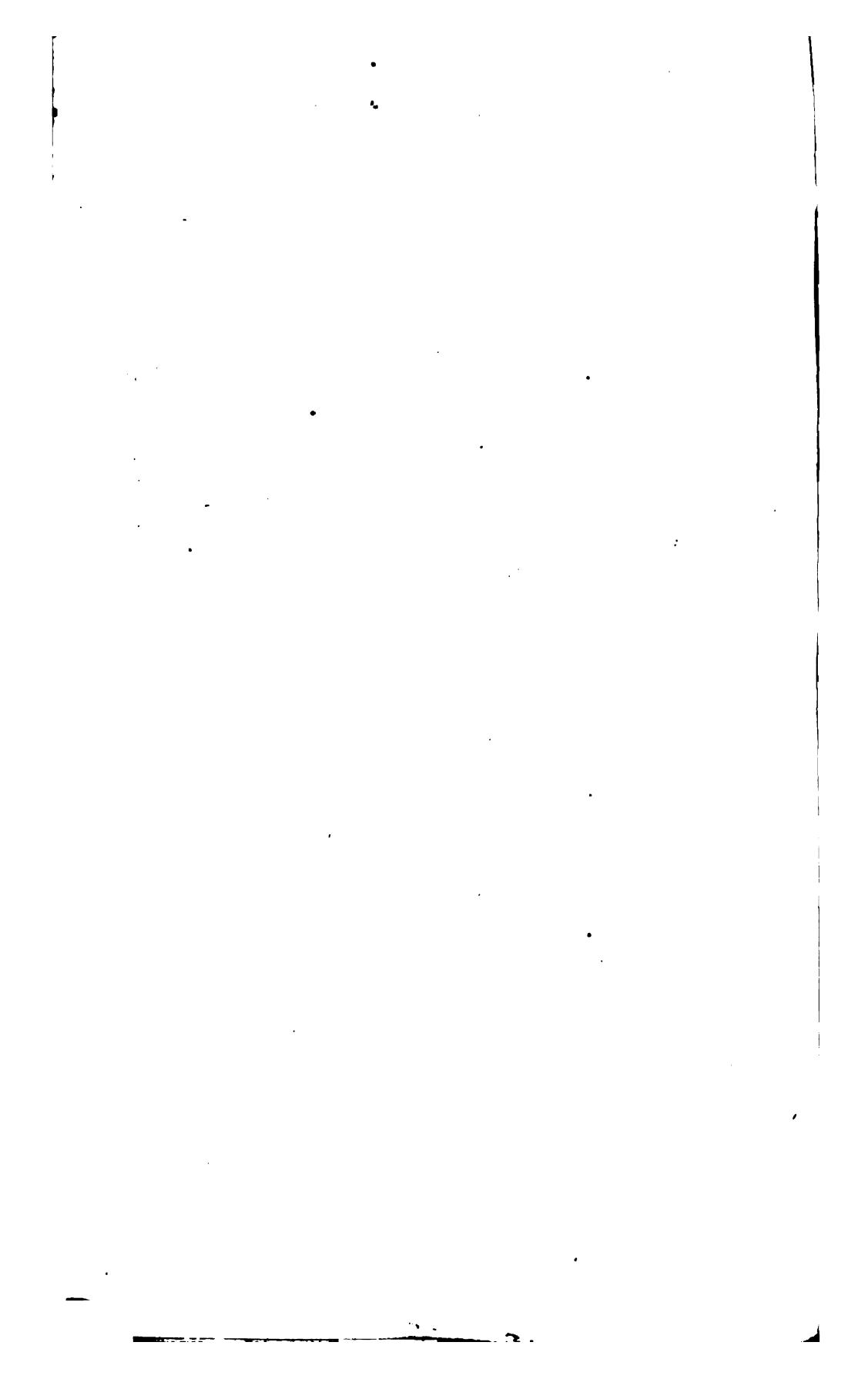
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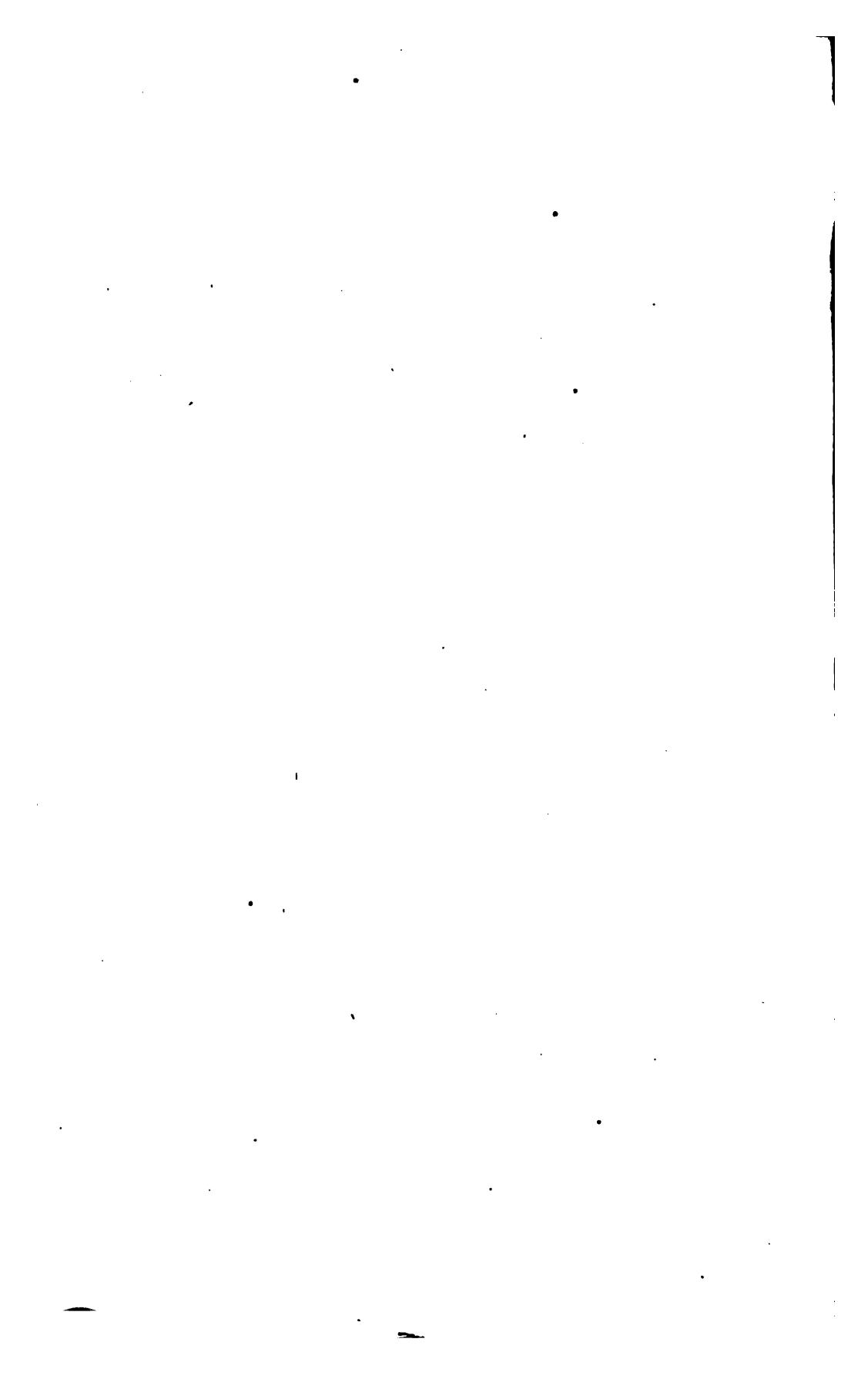
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## Local and Private Acts

OF

# THE STATE OF KENTUCKY,

PASSED AT THE SESSION WHICH WAS BEGUN AND HELD  
IN THE CITY OF FRANKFORT, ON MONDAY THE  
7<sup>TH</sup> DAY OF DECEMBER, 1857, AND ENDED  
WEDNESDAY, FEBRUARY 1<sup>ST</sup>, 1858.

CHARLES S. MOREHEAD, GOVERNOR; JOHN Q. A. KING, SPEAKER  
OF THE SENATE; DANIEL P. WHITE, SPEAKER OF THE HOUSE  
OF REPRESENTATIVES; MASON BROWN, SECRETARY OF STATE.

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### CHAPTER 403.

AN ACT changing and regulating the voting precincts in Clarke county.

*Be it enacted by the General Assembly of the Commonwealth  
of Kentucky:*

That the election precinct and voting district, number four in Clarke county, commonly called the McDaniel district, be and the same is hereby abolished, and the precinct boundary thereof be included in the voting district of said county now number seven and known as the town precinct; and that voters in the boundaries of said district number four hereafter vote in the said town district; and that the voting district in said county, now numbered five, hereafter be numbered four, and the voting district in said county now numbered six be numbered five, and the voting district in said county now numbered seven be numbered six; and that hereafter there shall be but six voting

1858.

## LAWS OF KENTUCKY.

1858:

precincts and districts in Clarke county; and all laws inconsistent with this act are repealed. This act to take effect from the first day of May 1858.

DANIEL P. WHITE,

*Speaker of the House of Representatives.*

JOHN Q. A. KING,

*Speaker of the Senate.*

Approved February 13, 1858.

C. S. MOREHEAD.

By the Governor:

MASON BROWN, *Secretary of State.*

## CHAPTER 404.

**AN ACT** to amend an act, entitled, an act to incorporate the New Castle and Carrollton Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act which passed the Legislature at its present session, entitled, an act to incorporate the New Castle and Carrollton Turnpike Road Company, be so amended as to allow said company to commence its operations when the sum of ten thousand dollars of the capital stock of said company is subscribed, as provided for in said act.

§ 2. This act to take effect from its passage.

Approved February 13, 1858.

## CHAPTER 405.

**AN ACT** to amend the charter of the Mount Sterling and Jeffersonville Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act, entitled, an act to incorporate the Mount Sterling and Jeffersonville turnpike road company, approved March 5, 1850, be so amended as to permit said company to erect a gate and charge half toll when three miles of said road is completed: *Provided*, The same shall not be placed nearer than three-fourths of a mile of the Court House.

§ 2. That said company shall have the privilege to collect tolls on that portion of said road which is not to be Macadamized, according to their charter.

§ 3. That said company shall have the privilege of extending said turnpike road three miles further.

§ 4. That all persons who may subscribe stock to said road shall not, (when the same has been completed,) be compelled to work upon any other road in said county.

Approved February 13, 1858.

## CHAPTER 406.

1858.

AN ACT to amend an act, entitled, "an act to revive and modify an act, entitled, an act to incorporate the Barren river Navigation and Manufacturing Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall and may be lawful for the Commissioners mentioned in an act, entitled, "an act to incorporate the Barren river Navigation and Manufacturing Company, at any time within one year after the passage of this act, to open books in the town of Bowlinggreen, for the subscription of stock in said company, upon giving two weeks previous notice of the time and place where said books are to be opened, in one or more of the newspapers published in said town.

§ 2. That it shall be lawful to organize the said company according to the provisions of the original charter, if as many as seven hundred and fifty shares are subscribed; and the said company may proceed to accomplish any one or more of the three objects mentioned in the act to which this is an amendment.

§ 3. That the said company shall commence its operations within three years after the stock is subscribed, and shall finish the work undertaken and commenced within ten years thereafter, and in case of failure their chartered privileges shall be forfeited and become void.

Approved February 13, 1858.

## CHAPTER 407.

AN ACT to incorporate the Sugar Creek and Hickman Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby incorporated, by the name and style of the "Sugar Creek and Hickman Turnpike Road Company," for the purpose of constructing a turnpike road from the mouth of Sugar creek, on the Kentucky river, to the Lexington and Danville Turnpike Road, near the seventeen mile house, Jessamine county, Ky., on the same ground that the present road now runs, or such changes as may best suit those interested.

*Name and style.*

§ 2. That the capital stock of said company shall be twelve thousand dollars, to be divided into shares of fifty dollars each: *Provided*, That if, after an election of officers, hereinafter directed, it shall be found, by a majority of the Directors, that said road can be made for a less sum, and may be able to let out the work for a less sum, then the sum for which the construction of said road shall be let out shall be its capital stock, and no more or less.

*Capital stock.*

1858.

Commissioners.

Obligation.

Books to be  
kept open.Meeting to be  
called to elect  
officers.When company  
to be organized.

§ 3. That the books for subscription of stock may be opened immediately after the passage of this act, at Pott's Mills, and at the mouth of Sugar creek, at the house of Squire L. Leavel under the direction of Squire L. Leavel, John Leavel, John A. Brooks, Hardin Knight, Green B. Bruner, Harrison Dean, Larkin Fain, W. N. Potts, and Robt. S. Goss, Tho. B. Scott, Josiah Easly, and James Carter, or some one or more of them, all of whom are hereby appointed Commissioners for the purpose of obtaining subscriptions; and shall procure a book or books, which shall contain the following obligation, which shall be signed by every person willing to take stock in said company, viz: "We, whose names are hereunto subscribed, do severally promise and bind ourselves, respectively, to pay to the President, Directors, and Company, of the Sugar Creek and Hickman Turnpike Road Company, the sum of fifty dollars for every share of stock set opposite our names, in such manner and at such times, as shall be required by the President and Directors of said company."

§ 4. That the books shall remain open until the sum of twelve thousand dollars shall be subscribed, or until a sufficient amount has been subscribed to make one half of said road.

§ 5. That when the Commissioners, or a majority of them, shall be of opinion that a sufficient amount of stock shall have been subscribed for the construction of four miles, they may call a meeting of the stockholders, and hold an election for a President and five Directors, who shall hold their office one year, and until other like officers shall be elected. And the Directors shall appoint a Treasurer, and such other officers as they may deem necessary; and the Treasurer, before he enters on the duties of his office, shall execute bond to said company, with security to be approved of by the Directory, in the penalty of ten thousand, conditioned that he will well and truly perform the duties of his office, and whenever a demand shall be made upon him by the Directory, or its authorized agent, pay over all sums of money in his hands as Treasurer; and he shall continue in office until another be appointed by the Directory.

§ 6. That upon the election and qualification of said Directors they shall be a body politic and corporate, by the name and style of the "Sugar Creek and Hickman Turnpike Road Company;" and by that name shall have perpetual succession, and the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; of purchasing and selling lands and tenements, as the same may be necessary in the construction of said road; to sue and be sued, plead and be impleaded; to have a common seal; and generally to do all and every

thing which may be requisite, and not contrary to the intention of this act.

1858.

Calls on stock.

§ 7. That the President and Directors, after their election, shall call upon the stockholders for payment upon their subscriptions: *Provided*, That the first call shall not be over twenty per cent. on the amount subscribed, and may in the discretion of Directors be less: *And, provided further*, That all subscribers paying as much as twenty per cent. at the first payment, shall be entitled to notice of forty days upon any subsequent call.

§ 8. That every stockholder shall be entitled to one vote for each share subscribed by him.

Stock, how voted.

§ 9. The written or printed certificate of the President, countersigned by the Treasurer, shall be evidence of ownership of stock in this company, and the same shall be transferrable on the books of the Treasurer, in person or by attorney, when all arrearages thereon have been paid and not until then.

Certificates of stock.

§ 10. That the President may call meetings of the Board of Directors as such times and places as he may think proper; a majority of the Directors shall constitute a quorum; and in the absence of the President a majority of the Directors may elect a President, *pro tem*.

Meetings may be called.

§ 11. That said President and Directors shall have power to pass all by-laws necessary to promote the interest of the stockholders, and to superintend the construction of said road.

May make by-laws, &amp;c.

§ 12. The said company shall have power to erect one gate when four miles of said road shall be completed.

Gates.

§ 13. That the same rates of toll shall be allowed said company as are prescribed by an act, entitled, an act regulating the tolls on turnpike roads in which the Commonwealth is a joint stockholder, and for other purpose, approved February 25th, 1842. The said road shall not be less than twenty-five feet wide, or more than thirty feet; twenty feet in width, graded, and fourteen feet covered with metal.

Rate of toll.

§ 14. That the whole road shall be completed within ten years, or this charter shall be forfeited.

§ 15. That all persons residing on or adjoining said road shall be exempt from working or furnishing hands to work on any other road to the extent of one hand for each one hundred dollars of stock subscribed and paid to said company, or any person living in any precinct not immediately adjoining the road may avail themselves of this act, by taking stock on the same conditions as aforementioned.

Stockholders exempt from working roads.

§ 16. That the grade of said road shall be fixed at whatever degree of elevation said company may direct.

Grade, &amp;c.

§ 17. That the County Court of Jessamine may take and subscribe stock in said company.

County Court may take stock.

1858.      § 18. That the Legislature reserves the right to alter, change, or modify this charter.

Approved February 13, 1858.

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CHAPTER 408.

AN ACT creating an additional Justices' District and voting precinct in Meade county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the following described boundary be and the same is hereby created a Justices' District and voting precinct in Meade county, viz: Beginning at the mouth of the Edwards hollow, on the Ohio river; thence to Wm. R. Prewitt's, to include him; thence to Abram Chism's, to include him; thence to Windsor Pipes', to include him, and all the voters in the valley of the Dry fork between said points; thence up the Dry fork to George Chism, to include him; thence to Hillery Wathen's, to exclude him; thence to Bloom Parks, to include him; thence to Rocky Run, and down said run to the Ohio river, and up the river to the beginning.

§ 2. That it shall be the duty of the Presiding Judge of the County Court of Meade county to appoint officers to hold an election for two Justices of the Peace, and one Constable for said district, at the time of the next general election, and said officers shall also conduct the election of officers who may be voted for at the said general election.

§ 3. That Joshua R. Frane's house, in the town of Limestone, at the mouth of Woolf creek, is hereby established as the voting place for the above voting precinct, subject to be changed by the Presiding Judge upon a petition of a majority of the legal voters of the precinct.

Approved February 13, 1858.

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CHAPTER 409.

AN ACT to change the place of voting in the first election precinct in Estill county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the place of voting in the first election precinct in Estill county be and the same is hereby changed from the present voting place to the Spout spring. This act to take effect from and after its passage.

Approved February 13, 1858.

## LAWS OF KENTUCKY.

1858.

### CHAPTER 411.

AN ACT to authorize the citizens of Eminence to elect a town Marshal.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That a Marshal for the town of Eminence, Henry county, shall be elected on the first Monday in August next, by the qualified voters of said town of Eminence, whose term of service shall be two years, and until his successor shall qualify. That he is hereby empowered and authorized to execute all summonses, processes, or precepts, which Constables are authorized by law to do, whether civil, penal, or criminal, and shall be entitled to the same fees to which Constables are by law entitled for like services.

Approved February 13, 1858.

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### CHAPTER 413.

AN ACT for the benefit of James H. Gilbreath, of Cumberland county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be authorized and directed to draw his warrant upon the Treasurer for ten dollars, for the use and benefit of Jas. Galbreath, for money improperly paid by him to the County Court of Cumberland county for tavern license in 1856.

§ 2. This act shall take effect from its passage.

Approved February 13, 1858.

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### CHAPTER 414.

AN ACT to revive the charter of the Farmers Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all the provisions of an act, entitled, an act to incorporate the Farmers turnpike road company, approved February 8, 1851, are hereby revived and declared to be in full force; and that the work on said road shall commence in Burlington, opposite to the Court House in said town, connecting with the Burlington and Florence turnpike road.

Charter renew-  
ed.

§ 2. Books shall be opened for the subscription of stock in said company on the last Saturday in May, at the town of Burlington, under the direction of N. E. Hawes, Milton Hamilton, James W. Calvert, B. W. Chamblin; and at Bellview under the direction of James Dinsmore, Richard H. Botta, Evans D. Grant, and John Green, or any one of them at each place: *Provided*, That the work on said road shall, in good faith, commence on or before the first day of May, 1858.

Commissioners,  
etc.

§ 3. This act to take effect from its passage.

Approved February 13, 1858.

## LAWS OF KENTUCKY.

1858.

### CHAPTER 415.

AN ACT to amend the act incorporating the Louisville and Newport branch Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sixth and seventh sections of the act incorporating the Louisville and Newport branch railroad company, approved March 1st, 1854, be so amended as to authorize the meetings of the stockholders in said road, either annual or special, for the election of officers or for other purposes, to be holden at any point they may designate, on or near the line of the road, as well as at Louisville and Newport.

§ 2. That the twenty-fifth section of said act be so amended as to allow five years longer, in addition to the time allowed by said section, for the commencement of said road, before said act shall become null and void, and five years more are allowed for its completion than is specified in said section.

Approved February 13, 1858.

### CHAPTER 416.

AN ACT to amend the charter of the town of Foster.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporate name  
and style.

§ 1. That the inhabitants of the town of Foster, in Bracken county, be and the same is hereby incorporated and made a body politic and corporate, under the name and style of the "Town of Foster, with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered; and to do and to perform all such other acts and things, either in law or equity, as bodies politic and corporate, having perpetual succession, may rightfully and lawfully do and perform.

Trustees, &c.

§ 2. That hereafter the fiscal, prudential, and municipal concerns of said town shall be vested in four Trustees and a Police Judge, who, by virtue of his office, shall be Chairman of the Board of Trustees, who, together with a town Marshal, shall be annually elected on the first Saturday in February by the free white male inhabitants over the age of twenty-one years who shall have resided in said town three months previous to said election, and are qualified voters by the laws of this State. That the Police Judge and town Marshal of said town of Foster shall each be elected on the first Monday in August next, by the qualified voters in said town; the Police Judge shall hold his office for the term of four years, and the town Marshal for the term of two years.

§ 3. That the Police Judge, Trustees, and town Marshal shall hold their respective offices for the term of one year, and until their successors shall be duly elected and qualified, who, before entering upon the duties of their office shall take an oath, before some legally authorized officer, that they will support the constitution, and faithfully and without favor or affection to any one discharge the duties of their office during their continuance in office. That the Police Judge and town Marshal of said town of Foster shall each be elected on the first Monday in August next, by the qualified voters in said town; the Police Judge shall hold his office for the term of four years, and the town Marshal for the term of two years.

1858.  
Election of officers.

§ 4. That no person shall hold the office of Police Judge, Trustee, or Marshal who is not, at the time of holding the same, a citizen of said town, and who has not resided there at least six months previous to his or their election.

None but citizens to hold office.

§ 5. That the said Board of Trustees shall have power to make and receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and sidewalks now in said town, or which may hereafter be opened; may direct the improvement of the same in such manner as they may deem most beneficial to the interest of said town; they shall have power and authority to make all necessary by-laws for the regulation and government of said town, not inconsistent with the constitution and laws of the State; they shall have power to levy and collect a poll tax not exceeding, annually, one dollar and fifty cents on each titheable, and also an *ad valorem* tax on the property of the citizens of said town, both real, personal, and mixed, including everything now taxed for revenue by the laws of this State, not exceeding, annually, fifty cents on each one hundred dollars worth; they shall have power to tax auction sales, shows, concerts, and exhibitions for money, when held within the town or within one mile thereof; also, taverns, tippling houses, stud horses, and jacks in any sum not exceeding fifteen dollars; they shall have power to declare what are nuisances within said town, and, by their order, direct the same to be abated and removed and may impose a fine on whomsoever may have caused the same; they shall have power to provide for the security of the town against fire, by organizing one or more fire companies, defining their duties, and punishing, by adequate penalties, those who fail to perform the duties required of them; they shall have power to regulate the markets, and appoint a market master; they shall have power to appoint a coal and wood measurer, defining his duties and fixing his fees; they shall have power to purchase and receive conveyances for any quantity of ground either with-

Powers of Trustees, &c.

1858.

in or without the limits of said town, not exceeding ten acres, for a cemetery, or to erect a poor or work-house thereon, and may ordain and declare the rules and regulations for the government of the same, and to appoint all necessary officers thereof, with such compensation as said Trustees may direct; and they shall have power to erect or engage a house as a work-house for the confinement of all persons violating the ordinances of said town, and for crimes and misdemeanors committed, which can be punished by confinement in the county jail by the laws of the State.

Clerk, Treasurer,  
or, &c.

§ 6. That it shall be the duty of the Trustees, annually, (after their election,) to appoint a Clerk, Treasurer, and Collector, and such other officers as they may deem necessary, and take from them bond with approved security, payable to the Board of Trustees of the town of Foster, in such penalty as they may direct, conditioned for the faithful discharge of their duties; and for a violation thereof, on the part of either of said officers, motions may be made or suits brought before any tribunal having jurisdiction, in the same manner, and under the same rules and regulations, that motions are made or suits are brought against other officers for failure of duty; and the said Trustees shall have power to remove either of them for failure to do their duty, and to appoint other officers in their places.

Clerk—his du-  
ties.

§ 7. That it shall be the duty of the Clerk to keep a record of the proceedings of the Trustees; to draw all orders on the Treasurer for the payment of money, when ordered by the Trustees, and to issue license for shows, exhibitions, &c., when the Treasurer's receipt is produced to him for the amount of the tax, and do all other acts which the Trustees may require of him.

Treasurer—his  
duties.

§ 8. That it shall be the duty of the Treasurer to receive and keep all money belonging to said town, subject at any time to the order of the Trustees, and pay the same out on the order of the Trustees, attested by their Clerk, and to render an account to said Trustees when by them required so to do.

Duty of Collec-  
tor.

§ 9. That it shall be the duty of the Collector to collect all taxes which may be placed in his hands, and pay the same over to the Treasurer, and to make out and return to the Trustees, within four months after the list shall have been placed into his hands for collection, a report of the amount collected and the names of the delinquents, and the amount due from each; whereupon the said Board of Trustees shall have the power, and it shall be their duty, to make an order commanding and requiring the Collector to levy on so much of the delinquents property, either real or personal, or both, as may be sufficient to pay and satisfy the amount of taxes and cost that may be

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due; and in pursuance of said order the Collector shall make the said levy, and after having advertised the said property for sale, at three places in said town, for at least fifteen days, shall thereupon proceed to sell at some public place so much as may be necessary to pay the tax and cost due thereon, to the highest and best bidder, to whom the said Collector shall give a certificate of his purchase upon his paying the amount bid, which certificate shall entitle the purchaser or his assigns or heirs to demand and receive of the Board of Trustees a deed of conveyance of the property described in the certificate, (warranting alone against themselves,) at any time after twelve months, from the day of sale, unless the owner thereof shall have redeemed the same by paying or tendering the same to the purchaser, and giving notice to the Trustees of the payment or tender of the amount of said purchase money, and cost, with one hundred per cent. thereon, and the purchaser, in all cases, paying the expenses of making the conveyance; and the Trustees shall have a lien on all property in said town, both real and personal, for the tax; and the Collector shall have the power to levy on and sell personal property for tax without an order of the Trustees, and prior to the time required of him to return his delinquent list: *Provided, however,* That non-residents of the county shall have two years to redeem in, under the same regulation, above provided for others, with the addition of one hundred per cent. more if not redeemed in the first year: *And, provided further,* That infants, and *femes covert*, idiots, and lunatics may redeem their property within three years after their several disabilities shall have ceased, by paying the amount of taxes and costs, and fifty per cent. per annum from the time of sale.

§ 10. That it shall be lawful for said Trustees to enter upon order directing the citizens of said town, or any portion thereof, to pave a foot-walk in front of their houses and lots, of such width and kind as they may direct, a copy of which shall be delivered to the owner or the person in the possession of the property, by the Marshal of said town; and it shall be lawful for the Trustees, upon the failure of any citizen or citizens of said town, or owner of the property in said town, for three months after service of said order, to pave said foot-walks, to have the same done, and the property in front of which the said foot-walks are made shall be responsible for the expense, and may be sold in the same manner as is provided in section ten for sale of property for taxes.

May have streets paved.

§ 11. That immediately after the election, in each year, the Clerk of the Trustees shall make out and certify to the Governor the name of the person who has received the highest number of votes for Police Judge, which shall

Clerk to certify election of Police Judges.

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be sworn to before some Judge or Justice of the Peace, and certified by him, whereupon the Governor shall cause a commission to issue to him as Police Judge of the town of Foster, for one year, and until his successor is duly elected and qualified. That said Police Judge shall have jurisdiction of all offenses arising under the by-laws and ordinances of said town, and shall have power to issue warrants, enter judgments, and award executions, and issue process for witnesses, and compulsory process when they fail to attend. He shall have jurisdiction within the limits of the town of all causes, civil or criminal, in which Justices of the Peace have jurisdiction, and in all cases of felony he shall have the power of two Justices of the Peace over all such offenses as may be committed within the limits of said town. He shall have power to fine and imprison for contempt, not exceeding five dollars fine, or five days imprisonment. He shall have power to order a jury to be summoned in any case cognizable before him where a jury would be required before a Circuit Court or a Justice of the Peace, and for the efficient exercise of his powers to award process and issue writs, such as may be necessary to enforce the due administration of right and justice, and for the lawful exercise of his jurisdiction agreeable to the usages and principals of law. It shall be the duty of said Police Judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of Justices of the Peace, and either party shall have the right to an appeal, as in cases before Justices of the Peace in similar cases; and the said Judge shall hold his courts for the trial of civil causes quarterly, at such times as he may designate.

*Marshal—his  
duties.*

§ 12. That it shall be the duty of the Marshal to serve notices, &c., and all process and precepts to him direct from the said Police Judge, and make due return thereof, and shall collect all executions, which emanate from the Police Court of said town, and pay the same over to whomsoever may be entitled thereto, under the same rules and regulations required by law of Constables in the collection of executions. Said Marshal shall have power to collect claims of every description within the limits of said town, and shall have power to execute any criminal process, any place in the county of Bracken, for all offenses committed in the town limits.

*Fines, &c.*

§ 13. That all fines and forfeitures, for the breach of any by-law or ordinances of the town, or for the violation of any penal law committed within the limits of said town, shall be paid over to the Treasurer for the use and benefit of said town, and shall be for the benefit and use of said town, any law to the contrary notwithstanding. Said Collector shall take the oath required of Sheriffs, and execute bond with good security, to be approved of by the Board of Trustees.

§ 14. That the Police Judge shall be entitled to charge and collect the following fees, to-wit: For issuing a warrant in a civil case twenty-five cents; for a peace warrant for a riot, rout, breach of the peace, or unlawful assembly, fifty cents; for swearing a jury, and presiding over a trial in any case, except forcible entry and detainer, fifty cents; for a warrant for a violation of a by-law or ordinance of said town, when the Trustees are plaintiffs, twenty-five cents; for taking a recognizance to keep the peace fifty cents, to be charged to the applicant: and for any other services the same fees as are allowed to Justices of the Peace for similar services.

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Fees, &c., of  
Judge.

§ 15. That the fees of the Marshal shall be the same as are allowed Constables for similar services.

Marshal's fees.

§ 16. That the Collector shall be allowed the same fees as are allowed Sheriffs for collecting the revenue.

Collector's fees.

§ 17. That previous to each annual election the Trustees shall appoint three suitable persons to hold said election, who shall, on the first Saturday in March, at two o'clock, P. M., open the polls for the election of the officers provided for in this charter, and keep the same open until five o'clock, P. M., and shall return, under oath, to the Clerk of said Trustees, a just and true list of all the votes cast immediately after the close of the polls.

Judges of elec-  
tions.

§ 18. That the citizens of said town, and the property thereof, shall be exempt from the operations of the road law.

§ 19. That all general laws applicable to towns, not inconsistent with this charter, shall be applicable to the town of Foster, and the Trustees shall have power to pass any by-laws to enforce their provisions.

General laws of  
towns.

§ 20. That all the provisions of the former charter of the town of Foster, conflicting with this, are hereby repealed.

Repealing  
clause.

§ 21. That this charter shall go into effect so soon as the officers herein named shall be elected and qualified.

§ 22. That the Legislature reserves the right to repeal, alter, or amend this act at pleasure.

Approved February 13, 1858.

#### CHAPTER 417.

AN ACT to amend and reduce into one the Road laws of Greenup and Lewis Counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the County Court of Greenup county, at its March or April term in each year, to appoint two Road Commissioners for said county, one of whom shall reside above and the other below Little

Road commis-  
sioners to be ap-  
pointed.

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Sandy river, in said county. The said Commissioners, so appointed, shall at the next County Court thereafter, before entering upon his or their duties, take an oath or affirmation for the faithful performance of his or their duties; and said Commissioners shall, at the same term of the Court, give bond with such security, payable to the Commonwealth, as the County Court may deem sufficient, for the faithful discharge of their duties as Commissioners, on which bond any person considering himself aggrieved may sue, and one recovery shall be no bar to another suit or suits; and no Commissioner shall act as such until he shall have taken the oath and executed the bond as aforesaid.

Road districts.

§ 2. The Road Commissioners, so appointed, shall proceed to lay off County into Road districts, and from time to time alter the same as may be required, taking care that the districts do not clash, and appoint one overseer over each Road district, and him remove at pleasure. And it shall be the duty of such overseer to cause the Roads in his district to be improved and kept in repair, agreeably to the law, under the directions of the Commissioners, if they shall choose to direct the same.

Powers and du-  
ties of commis-  
sioners.

§ 3. The said Commissioners shall be considered a body corporate, and by the name of the Road Commissioners of Greenup county may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered; and by the name and style aforesaid may contract and be contracted with, in relation to any of the objects, direct or incidental, for which they were appointed; and they and their successors shall be considered, in law, as a body existing in perpetuity; and they may receive, by gift, subscription, devise, or contract, any estate, real or personal, choses in action, security, or other thing for the use and benefit of the public roads, and shall, in all cases, where the purpose or intent of the donation, subscription, devise, or contract is set forth or manifested, appropriate the thing thereby received according to such direction or intent: *Provided however*, that any person injured may and shall, for the malfeasance or nonfeasance, trespasses, or conduct incompatible with the powers granted by this act of incorporation, on the part of any one or more of said Commissioners, have the right to sue such Commissioner or Commissioners, and his or their security or securities, in their individual right, and in that character shall they be alone liable for the said wrongs herein before enumerated.

How subscrip-  
tions to be used.

§ 4. That when any thing is subscribed in aid of improving or repairing any public road, or building a bridge, the same shall be paid agreeably to the terms of subscription, and on failure of the Commissioners shall have the right, in law, to recover the thing so subscribed, or the

value thereof by the appropriate actions, and the improvement, addition, or repair contemplated shall be deemed, in law, a valid consideration for the subscription.

§ 5. That it shall be the duty of the Clerk of the County Court of Greenup county, within ten days after the return to him of the books of the Commissioners of the revenue in each year, to make out for the Road Commissioners a complete copy thereof and furnish the same on request; and it shall be the duty of the Road Commissioners forthwith to furnish each of the overseers by them appointed with a transcript of so much of said Commissioners' books as will embrace all the persons and property within the bounds of his district, showing, in an appropriate column, the amount of revenue to be paid by each individual within the bounds, at a rate to be fixed by said Commissioners, not exceeding six and a fourth cents on the one hundred dollars; and each overseer shall, from time to time, by giving two days notice thereof, as occasion may make it necessary, call upon all the individuals so within his district, liable to work upon the particular road or roads of which he is overseer, until each person liable to a revenue tax shall have worked upon the public road a length of time equal to one day for every one dollar to which such tax shall amount; and in addition to the revenue tax aforesaid every able bodied male citizen over the age of twenty, and under the age of fifty years, shall work on the public roads not more than three days in each year, except it be to remove obstructions or open new roads: *And, provided further,* that ordained ministers of the Gospel shall not be required to work on said roads: *And, provided further,* that the County Court may, for good cause shown, exempt any person whatever from the whole or any part of the labor which would be due by the aforesaid estimation; but such exception shall only operate during the time the Court may fix: *And, provided further,* that the labor to be performed may, at all times, be done with one or more able bodied substitutes; and it shall be the duty of the overseers to dock any individual at the rate of fifteen cents per hour he shall, when attending, fail to work, and wilfully idle away his time, or to fine any person so offending or refusing to obey reasonable commands or instructions, in relation to the work on aid roads, &c.

§ 6. The tax for road purposes shall be applied to roads in the districts where the property taxed may lie: *Provided,* that no tax shall be collected upon negroes or land not being and lying in the county of Greenup.

§ 7. Upon the appointment and qualification of new Commissioners the former ones shall deliver over to their successors all their books, papers and records, and all tools and implements which belong to the public, or which was purchased with the money of the public, and all other things pertaining to them as Road Commissioners, and

Clerk to make out a copy of Commissioner's books.

Road tax, &c.

How road tax to be applied.

Commissioners to deliver books &c. to their successors.

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take an inventory or schedule of the same, which they shall file with the Clerk of the County Court, after the same shall have been signed, as well by the old as the new Commissioners. Said Commissioners shall, whenever the funds in their hands will justify it, procure any necessary tools or implements for improving or repairing the roads of said county, and hold the overseers who may receive them for use to a strict accountability for their preservation and return, and shall take a receipt for all tools so furnished. Said Commissioners shall keep a book, in which they shall enter all the appointments of overseers, and the amount in their respective districts in each year, to be paid for in labor, and such other matter in relation to their duties as shall be considered necessary.

Commissioners  
to advertise for  
road contracts,  
etc.

§ 8. The Commissioners shall, when the funds in their hands shall enable them, determine what roads and what particular parts of roads shall be improved, and in what manner and to what extent, and advertise for receiving proposals for work specified to be done; and they shall enter into written contracts, taking security for the faithful performance of such contract, and shall never receive any work so contracted for that is not faithfully performed, of good materials, and in accordance with such contract, except as to time; and they may, for good cause shown, extend the time if they shall see proper; in making improvements by contracts they shall give preference to the main roads of the county.

Overseers of  
roads may be  
fined, etc.

§ 9. Overseers of roads shall be liable to presentments and fines, and the Commissioners, or any of them, shall, for a failure to discharge any of the duties required of them, be liable to presentment or indictment, and to be fined at the discretion of a Jury; and for failing to pay over to their successors any moneys in their hands they may be proceeded against by such successors, by suit or motion on their bond or bonds, respectively, but no Commissioner shall be liable in such proceedings, except such as may be found delinquent, and their securities, and in rendering judgment for such delinquency the Court shall shall award fifteen per centum on the amount due.

Suits—by whom  
prosecuted.

§ 10. In all motions or suits brought by the Commissioners, under the provisions of this act, the Attorney for the Commonwealth, if in the Circuit Court, and the county Attorney, if in the County Court, shall, *ex-officio*, prosecute the same, and the Clerks, Sheriffs, and other officers shall charge no fees, unless judgment be given against the defendant or defendants, and then the costs in the execution shall be for the benefit of the officers rendering services, and for the witnesses and others who have a right thereto, and the officers collecting the same shall pay the same over to the persons entitled thereto.

§ 11. That upon the production to the overseer, by any of the tithables herein mentioned, his affidavit made before some Justice of the Peace that he verily believes he is over the age of fifty years, the same shall be received by such overseer as a discharge from all labor on the public road, except the property tax, and such affidavit shall be returned by the overseer to the Commissioner, who shall file away the same, and in every subsequent year the Commissioner, in making out his list of tithables, shall note opposite the name that he is over fifty years of age, which shall exempt such persons from the three days work herein before mentioned.

Who exempt  
from labor on  
roads, &c.

§ 12. That in case of any vacancy by death, resignation, or otherwise, in the Board of Commissioners, the County Court shall fill the vacancy, by the appointment of a successor, whose duty it shall be to execute bond and perform all the duties, as are herein required, of the Commissioners herein named.

Vacancy—how  
filled.

§ 13. When any bridge, causeway, or culvert, shall be necessary on any road, the overseer shall cause the same to be made, and shall keep it in repair, and for that purpose may cut and take, from the lands of any person adjoining, so much timber, earth, and stone as may be necessary; he shall have the same valued by two disinterested credible persons, selected by him for that purpose, and to be paid for out of the road fund. But no timber, earth, or stone shall be taken from any town lot.

Bridges, &c., to  
be built.

§ 14. That the Justices of the Peace in said county be and are hereby authorized to render judgment out of said Justices regular term time against any hand or hands that shall hereafter fail to work said roads as required by law; upon due proof being made thereof, before any or either of said Justices of such failure; the penalty for failing or refusing to work said roads shall be one dollar and twenty-five cents for each day, and *capias profine* may issue upon all such judgments, until the same are satisfied, and it shall be the duty of the several Constables of said county to receive and receipt for said delinquent lists, whenever presented, and forthwith collect the same; and such Constable shall report, on oath, to the next Court of Claims, the amount he has been able to collect, and shall immediately pay over the same to the road Commissioners, retaining ten per cent. for collecting, and shall also return, on oath, a true list of those delinquents, with the amount due from each, out of whom collections could not be enforced; and said Commissioners may relist the same from time to time, at their discretion.

When Justices  
of Peace may  
render judgments, &c.

§ 15. That the said Commissioners shall be allowed, for their services, in the duties by this act assigned them, at the rate of one dollar per day, to be paid or retained out of the road fund of said county: *Provided*, such allowance

Fees of com-  
missioners, &c.

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shall in no one year, exceed, to each Commissioner, the sum of fifty dollars: and further, that the overseer shall be allowed one dollar per day for his service for any time he may be required as overseer on the road more than three days, and the amount of his tax at the rate before mentioned in this act.

*Overseers to  
keep accounts.*

§ 16. That each overseer of a Road Precinct shall keep a book, showing the amount of money received by him, and also the amount by him expended on his road district, both in labor and in money, and shall settle with the road Commissioners on or before the first Monday in April in each year, and pay over all money in their hands, and take a receipt from said Commissioners for that year, a copy of which shall be filed in the County Court Clerk's office by one of said road Commissioners; and said road Commissioners shall settle with the County Clerk on the first Monday in April or May, in each year, and show, by their books and receipts, the amount of money each Commissioner has received during the year, and how the same has been disposed of.

*Commissioners  
may receive and  
hold property.*

§ 17. That said road Commissioners shall receive and hold any gift, subscription, devise, or contract, any estate, real or personal, choses in action, securities, or other thing heretofore given, subscribed, or devised, for the use and benefit of the public roads in said county of Greenup, and shall, in all cases, where the purpose or intent of the donation, subscription, devise, or contract is set forth or manifested, appropriate the thing thereby received, according to such direction or intent.

*Repealing  
clause.*

§ 18. That all former amendments to the Road Law for the county of Greenup be and the same are hereby repealed.

*This act to ap-  
ply to Lewis  
county.*

§ 19. That the bill enacting Road Laws for the county of Greenup, be and the same are adopted, as the Road Law for the county of Lewis, in all respects, except there shall be one road Commissioner appointed above Clarksburg, and one below Clarksburg, in said county.

§ 20. This act to take effect from and after its passage.

Approved February 13, 1858.

#### CHAPTER 418.

AN ACT to establish a turnpike road from Franklin, in Simpson county, to the turnpike road south of Scottsville, in Allen county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

*Name and style.* § 1. That a company is hereby formed and created a body politic and corporate, by the name and style of the "Franklin and New Roe Turnpike Road Company," for the purpose of building a turnpike or gravel road from

the town of Franklin, in Simpson county, passing near Samuel Hatfield's residence, to New Roe, in Allen county, thence to the Scottsville and Gallatin turnpike road, south of Scottsville.

§ 2. The capital of said company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. That books for the subscription of stock shall be opened at such times and places as the Commissioners, or a majority of them hereinafter named, may deem advisable, and S. Hatfield, R. D. Salmons, and J. J. Larue, of the county of Simpson; and C. T. Eubank, G. Anthony, and J. H. Millikin, of the county of Allen, are hereby appointed Commissioners. That said Commissioners shall procure and open at least one book in each of said counties, for the subscription of stock, and shall keep the subscriptions separate; they shall insert in each of said books, and such others as they may see proper to open an obligation in substance as follows, to-wit: "We, whose names are hereunto subscribed, do respectively promise to pay the President, Directors, and Company, of the Franklin and New Roe Turnpike Road Company, fifty dollars for each share of stock set opposite our names, and pay the same at such times, and in such proportion as the President and Directors may require after the same becomes due and payable. Witness our hands this day of , 185 ;" which amounts shall be collectable in the proper courts.

Obligation.

§ 4. So soon as seven thousand dollars is subscribed to the capital stock of said company it shall be the duty of Commissioners named in the third section of this act, to give notice, in such manner as they may think proper, for a meeting of the stockholders, at such time and place as they may designate, for the purpose of electing a President and five Directors; and one vote shall be allowed for each share of stock; and the President and Directors shall continue in office for one year, and until their successors are duly elected; the times and places for all elections, after the first, shall be fixed by the President and Directors, for the time being; a majority of the board shall be competent to transact business.

Meeting to be called.

§ 5. So soon as said company is organized by the election of officers, the President and Directors shall be a body politic and corporate, in fact and in law, under the name and style of the "President and Directors of the Franklin and New Roe Turnpike Company; and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof; and of taking and holding, by purchase or gift, all such lands, tenements, and hereditaments,

When organized—powers and privileges.

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real or personal property, as may be necessary for the prosecution of their work, or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity or elsewhere; also, to have and use a common seal, and generally to do all or any act, matter, or thing which a corporation may lawfully do to effect the objects for which this corporation was created.

Width of road,  
etc.

§ 6. Said President and Directors shall fix and regulate the elevation and grade of said road, the width of the part thereof to be covered with stone; shall designate the places for the erection of gates; may fix the rates of toll, regulate and change the same: *Provided*, That the rates of toll shall not exceed the rates prescribed in section 3, chapter 103, of the Revised Statutes, title, Turnpike and Plank Roads: *And, provided further*, That the metal put on said road shall cover at least the width of fifteen feet. They may enlarge the capital stock to such amount as they may deem necessary, and open subscriptions therefor, in such manner as they may direct, or they may apply the proceeds of such part of the road as may be completed to the completion of the residue; shall have power of erecting a gate after four miles of said road shall have been completed: *Provided*, That gates shall not be established on said road at a distance of less than five miles apart.

May survey and  
locate road.

§ 7. The President and Directors, with their surveyors, engineers, artists, and chain carriers, are hereby authorized and empowered, if they think proper, to locate said road upon and over the main road now leading from Franklin to New Roe, or to enter in and upon any lands and enclosures, public roads, and highways in, through, and over which said intended road may be thought proper to pass; to examine and survey the ground most proper for that purpose; to examine quarries or beds of stone and gravel, and other materials necessary for the completion of said road and bridges across the streams; they shall locate said road, and cause a plat to be made out and deposited with the Treasurer of said company.

How lands and  
materials may  
be condemned.

§ 8. It shall be lawful for the President and Directors, with theirs superintendents, engineers, workmen, and laborers with their tools and instruments, carts, wagons, and other carriages, and their beasts of draught, or burthen, to enter upon the land, in and over, contiguous and near to which said road is intended to pass, having first given notice of their intention to the owners and occupants thereof, or their agents: *Provided*, That if the President and Directors shall locate the road on and over the main road now leading from Franklin to New Roe no damages shall be assessed or paid for the same; but if

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located elsewhere, and the President and Directors cannot agree with the owners of the land, or their agents, through which said road is proposed to pass, as to the damages which said owners may sustain by said road passing through their lands, the President, and Directors shall apply to the County Court of the county in which the land is situated, for a writ of *ad quod damnum*, to assess the damages which may be sustained by the owners of said land through which said road is proposed to pass; and the jury, in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages, by the establishing of said road; and upon the payment or tender of the damages assessed it shall be lawful for the President and Directors to open and make said road, and to dig and carry away any stone, gravel, earth, or other material necessary for the construction or repairing of said road; and in case the road is located upon the old and main road leading from Franklin to New Roe, aforesaid, the like proceedings shall be had, and damages assessed for any stone, gravel, earth, or other materials necessary for the construction of the road.

§ 9. The President shall give notice, in such manner as he may deem proper, of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall neglect to pay his proportion of stock so called for, for the space of thirty days after the time of payment, every such stockholder shall, in addition to the amount so called for, pay at the rate of one per cent. per month for every delay of payment; and if he shall fail to pay the amount of call, and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares to the corporation, together with the amount that shall have been thereon: *Provided*, That no stockholder shall vote at any election, or be entitled to any of the rights of a member of said company, unless the whole amount due and payable, as aforesaid, on each share by him held, shall have been paid agreeable to the requisition of the President.

Calls on stock.

§ 10. The President and Directors shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their offices for one year, and until others shall be appointed and qualified. The Treasurer of said company, before he enters on the duties of his office, shall give bond and security, in such penalty as the President and Directors shall require, payable to them, conditioned to pay over any amount in his hands to the order of the President and Directors.

Treasurer ap-  
pointed.

Approved February 13, 1858.

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## CHAPTER 419.

AN ACT to incorporate the North Bend Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Name and style.

§ 1. That a company is hereby created under the name and style of the "North Bend Turnpike Road Company," for the purpose of constructing an artificial road from a point on the Ohio river, at or near the mouth of a branch above William Vaughn's, by Francesville and Taylorsport; thence up the general bearings of the Ohio river, so as to intersect the Mitchellsville and Dry Creek Plank Road, at the bend of said road, on the hill above Samuel Stockwell's.

Commissioner's names.

§ 2. That books for the subscription of stock in said company shall be opened within ninety days after the passage of this act, at Francesville, under the direction of David M. Smith, Owen Kirtley, and William H. Montague; at Taylorsport, under the direction of John F. Killgour, Peter T. Cropper, and Shelton J. Hedges; and at \_\_\_\_\_ Houghs, under the direction of Magnus Cederburg, Adam Clore, and Samuel Stockwell, or any one of them at each place, who are appointed Commissioners. The Commissioners at each place shall procure a book, and the subscribers to the stock of said company shall enter into the following obligation, viz: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company of the North Bend Turnpike Road Company, twenty-five dollars for every share of stock set opposite our names, in such manner and proportion, and at such times, as may be required by the President and Directors of said company." The said Commissioners shall give public notice of the time and place of opening books for the subscription of stock, and that the same will continue open until the amount of capital be subscribed.

Obligation.

§ 3. The capital stock of said company shall be sixteen thousand dollars, to be divided into shares of twenty-five dollars each.

Capital stock.

§ 4. That so soon as two hundred shares shall be subscribed, the Commissioners, or any five of them shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and five Directors, who shall hold their office for one year, and until their successors shall be duly elected and qualified. The President and Directors shall, before they enter upon the duties of their offices, take an oath before some Justice of the Peace that they will faithfully discharge the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. After being qualified they shall appoint a Treasurer and such other officers as they may deem

Meeting to be called.

necessary, who shall hold their office for one year, and until others are appointed. The Treasurer shall, before entering upon the duties of his office, give bond with two sufficient securities, in the penalty of five thousand dollars, payable to the President and Directors, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of money in his hands to the order of the President and Directors, and that he will perform the duties required of him by the by-laws of said company.

§ 5. That the President and Directors, when elected and qualified as aforesaid, shall be a body corporate and politic, in fact and in law, by the name and style of "The North Bend Turnpike Road Company," and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof, and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments and estate, real and personal, as may be deemed necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and defend and be defended in courts of record or any other place whatever; and to have a common seal, and to do all and every matter or thing which a body corporate or politic may lawfully do.

§ 6. The President and Directors, upon entering upon the duties of their offices, may call upon the stockholders for payment of any sum not exceeding ten dollars on each share subscribed, and may, if deemed necessary, call five dollars on each share every thirty days, until the whole amount be paid; and if it shall be found that the amount of subscribed capital is not sufficient to accomplish the object of this act, the President and Directors may enlarge the same to an amount as they may deem necessary, and for that purpose open books for subscription in such manner as they may direct.

§ 7. That no person shall be eligible to hold any office in this company who is not a stockholder at the time of his election; and if, after an election, any officer shall cease to hold stock his office shall be considered vacant, and the remaining portion of the board shall, by appointment, fill such vacancy until the regular annual election. Every stockholder shall be allowed one vote for each share he may hold, and may vote in person or by proxy. A majority of the votes cast shall elect. The annual election for President and Directors (after the first election, the terms of whose offices shall then expire,) shall be held on the second Saturday in May, at such place as the President and Directors may designate; at which time the President and Di-

General powers

Call on stock.

Vacancies—how filled.

1858.

rectors shall lay before the stockholders all the statistics of situation of said company, and the record of their proceedings for the preceding year.

*Certificates of stock.*

§ 8. That the President and Directors first chosen as aforesaid shall deliver a certificate and countersigned by the Secretary, to each stockholder, for each share by him or her subscribed and held, which certificate shall be transferable on the books of the company, in person or by attorney; but no share shall be transferred until all arrearages are paid thereon. The original certificate of the share or shares transferred shall be surrendered, and a new certificate be given to the purchaser, who shall be entitled to all the privileges and benefits that would have accrued as belonged to the original owner.

§ 9. That the President may call meetings of the Directors at such times and places as he may think proper. A majority of the Directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered on a book provided for that purpose which shall be signed by the President and attested by the Secretary; and in case of his absence the Directors shall elect one of their own number *pro tem.*; and they may adjourn from time to time as deemed necessary.

*Right of way.*

§ 10. That the President and Directors shall have power and authority to take the consent, in writing, of any and all persons who may be so disposed to the grant of way to said North Bend Turnpike Road Company, the use of rock and timber for building the same, without charge; which being once given shall be binding to all intents and purposes. They may agree with and appoint surveyors, engineers, superintendents, artists and officers, as they may deem necessary to carry on the work, to fix their salaries, to prescribe the manner and proportion in which stockholders may make payment on their respective shares, to draw orders on the Treasurer for salaries, or wages of persons employed, and for labor and materials furnished, and do all such matters and things as by this charter and the by-laws of the corporation they are or shall be required to do.

*Notice of calls.*

§ 11. The President shall give public notice for at least thirty days, of the amount of the call on each share of stock and of the time of payment; and if any stockholder shall refuse or neglect to pay his proportion of the stock, for the space of thirty days after the time set for the payment thereof, every such stockholder shall in addition to the instalment so called for, pay at the rate of one per cent. per month for every delay of such payment; and if payment shall be delayed six months after the time set for payment, such delinquent shall forfeit such share or shares to the corporation, together with all that has been paid thereon, the President, by order of the Direc-

tors, shall sell the said share or shares at public auction, having given ten days notice thereof, provided the same will bring the balance due on said share or shares.

1858.

§ 12. That the President and Directors shall have the right, together with the surveyors, engineers, artists and chain-carriers, to enter in and upon the lands and enclosures, public roads and highways, through and over which said intended road may pass, and to examine and survey the ground for the purposes here intended, and to examine the quarries, beds of stone and gravel and other materials necessary for the completion of said road, and they shall locate the best route according to their discretion, and they shall cause a plat of said survey to be made out, and lodged with the Treasurer of said Company.

May survey and locate road.

§ 13. That it shall be lawful for the President and Directors, by and with their superintendents, engineers, artist, workmen and laborers, with their tools and instruments, carts and wagons and other carriages, and the beasts of draft and burden to enter upon the lands contiguous and near to which said road may pass, as well as through such as it may be located, and to use such quarries, rock, timber and other materials as may be found necessary to complete or repair said road; to haul and convey the same from any place they may be found, for the use of the road: *Provided*, The owners or agents shall not agree with the President and Directors as to the damages which he or she may consider themselves entitled, then it shall be the duty of the President and Directors to apply to the County Court of Boone for a writ of *ad quod damnum*, to assess the damages that may have been sustained, and the jury, in assessing damages, shall take into consideration the advantages to the party claiming damages by the establishment of the road.

Lands and materials may be condemned.

§ 14. That said company may adopt such grade of elevation as they may think best, and may grade the same not less than twenty feet wide, and McAdamize it not less than ten feet wide. The grade shall not exceed four degrees. It shall be the privilege of each stockholder, through whose lands the road may pass, to work out the value of his stock at the estimated prices for labor to be done, or he shall have the preference at the lowest bid, or pay such stock in lumber, on the same terms. As soon as two and one half continuous miles may be completed, a toll-gate may be erected, and collect half toll thereon, and so soon as the whole may be completed collect toll at the rate of five miles travel thereon. But no toll shall be collected until two Justices of the Peace who are disinterested, shall have first examined said road and certify that the same is completed agreeably to the requirements of this charter, which certificate shall be recorded in the Clerk's office of the Boone County Court.

Width &amp; grade of road.

May erect gates.

1858.

§ 15. That so soon as the gate shall be erected as aforesaid, it shall be lawful for the President and Directors to appoint a toll gather, to collect and receive, from every person using the road, the tolls hereinafter mentioned, and for that purpose to stop every person or persons riding, leading or driving any horse or mule, or driving cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of burthen or pleasure, from passing through said gate until they have paid toll at the following rates, viz: For every twenty head of sheep, hogs, or other small stock, five cents; for every ten head of cattle, five cents; for every horse, mule, or four footed animal of a large kind, except cattle, five cents; for every two wheeled pleasure carriage, exclusive of the beast by which it may be drawn, ten cents; for every four wheeled pleasure carriage, exclusive as above, fifteen cents; for every cart, ten cents; for every wagon or other carriage of burthen, drawn by two horses, fifteen cents; for every wagon drawn by four horses, twenty-five cents; which rates shall not be increased, but may be diminished by the President and Directors.

Penalty for  
avoiding gate,  
&c.

§ 16. That if any person, with intent to defraud the company, pass through any private gate or bars, or along or over any grounds or lands near to said road, so as purposely to avoid paying toll, or shall practice any device to defraud the just payment of the tolls, by entering or traveling on said road with any animal or burthen wagon or other vehicle, and avoid the toll-gates by turning out on by-paths and private ways, so as to defraud said company thereby such person or persons so offending shall, for every such offense, forfeit and pay to the company the sum of five dollars, recoverable before any Justice of the Peace in like manner as other debts of equal amount, in the name of the President and Directors.

Dividends, &c.

§ 17. The President and Directors shall keep account of all moneys which shall be received by them from the subscribers of stocks; also, of all moneys expended by them in the prosecution of said work; and all costs, charges and expenses, of the road, shall be paid, and the sum total shall be entered on the books of the Treasurer. The President and Directors shall, at the end of every six months after the road shall have been completed and paid for, make a dividend of the clear profits, and pay the same to the stockholders. Printed bills of the rates of toll shall be posted at each toll-gate on the road.

Penalty for  
taking illegal  
toll.

§ 18. That if any toll-gatherer shall receive from any person using the road any greater rate of toll than authorized by this act, such toll-gatherer shall forfeit and pay for every such offense five dollars, recoverable by any person suing for the same, before any Justice of the Peace, as other debts of like amount. That no suit to

recover the penalties under the provisions of this act shall be maintained, unless the same shall have been commenced within six months after the offense was committed.

§ 19. The President and Directors shall take bond and security from the toll-gatherers and other persons employed by them, for the faithful performance of the duties to them respectively assigned, which bonds may be renewed when deemed necessary, and shall be payable to the President and Directors.

§ 20. That it shall not be lawful for any person to leave any offensive thing on or near said road, such as dead horses or other animals, or to obstruct the road in any unnecessary way, so as to hinder the public from traveling thereon; and all wagons or other vehicles, when traveling or standing on said road, shall give sufficient room to be passed on the left hand by any person or vehicle meeting them; and for every offense against the provisions of this section, the person found guilty shall be fined five dollars and damages, if any sustained, by an action being brought the same as for debt by any person before a Justice of the Peace.

§ 21. That it shall be lawful for the President and Directors to erect two gates on said road at such places as they may deem necessary, when the road shall be completed, and to charge half toll at each gate according to the rates fixed in section fifteen. And for the better government of said company the President and Directors are hereby authorized to make by-laws, not inconsistent with the provisions of this act, and the constitution and laws of this State.

Gate keepers to give bond.

Penalty for obstructing road

May erect two gates.

Approved February 13, 1858.

#### CHAPTER 420.

AN ACT to incorporate the North Bend and Wolper Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby created in the name and style of the "North Bend and Wolper Turnpike Road Company," for the purpose of constructing a Turnpike Road from a point near the top of Sandhill, in the vicinity of Owen Kirtley's to intersect the Mitchellsville and Dry Creek Plankroad at a bridge near James Gaines'; and said road is to be located on or with the general direction of the county road between those two points.

Corporate name and style.

§ 2. The capital stock of said company may be ten thousand dollars, to be divided into shares of twenty-five dollars each.

Route.

Capital stock.

1858.

Books to be opened.

Obligation.

When company is organized.

When officers may be elected.

Treasurer to give bond.

Corporate powers.

Stock, how to be paid.

§ 3. That books for the subscription of stock in said company may be opened at any point on the line of the proposed road, and in the neighborhood, under the direction of John Stephens, Owen Kirtly, Jno. H. Moore, Wm. H. Vaughn, William Watts, who are hereby appointed Commissioners to solicit and receive subscriptions of stock, any two of whom may act, who shall require subscribers to enter into the following obligation in a book or books, viz: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company of the North Bend and Wolper Turnpike Road Company, the sum of twenty-five dollars for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such times, as may be required by the President and Directors of said company.

§ 4. That so soon as one hundred and twenty shares of stock shall be subscribed the Commissioners shall, at such time as they may appoint, call a meeting of the stock-holders, (at some point on the line of the proposed road,) by fifteen days notice in writing at three of the most conspicuous places along said route, and hold an election for a President and four Directors of said company, who shall hold their office for one year and until their successors are duly elected. The President and Directors shall appoint a Treasurer and such other officers as they may deem necessary, who shall hold their office until removed, or others appointed. The Treasurer shall, before entering on the duties of his office, execute a covenant with sufficient security to the President, Directors and company aforesaid, for the faithful performance of the duties of his office, and the due application of all money that may come to his hand as Treasurer.

§ 5. That the President and Directors, when elected as aforesaid, shall be a body corporate and politic, in fact, and in law, by the name and style of the "North Bend and and Wolper Turnpike Road Company;" and by that name shall have perpetual succession, and all the rights, privileges, and franchises incident to the corporation, and shall be capable of holding their capital stock, and the increase and profits thereof; taking and holding to them and their successors and assigns, and of selling and transferring and conveying, in fee simple, all such lands and tenements and estate, real and personal, as may be deemed necessary to them in the prosecution of their work; and to sue and be sued, answer and defend and be defended in courts of record, or any other place of litigation.

§ 6. That the President and Directors, upon entering upon the duties of their office, may call upon the stock-holders for the payment of five dollars on each share of stock subscribed, and may, if necessary, in the prosecution of their work, call for five dollars on each share ev-

ery thirty days, until the whole amount be paid; and books may be kept open for the subscription of stock by the Commissioners or any Director, until the whole capital stock, or a sufficient amount to make said road, shall be subscribed.

§ 7. That no person shall be eligible to hold any office in the company who is not a stockholder at the time of his election; and every stockholder shall be allowed one vote for each share he may own at the time of the election, and may vote in person or by proxy; a majority of votes cast shall elect. The annual election for President and Directors, (after the first election, the term of whose offices shall then expire,) shall be held on on the first Saturday in April, at such place on the line of said road as the President and Directors may designate, at which time the President shall lay before the stockholders a correct report of the situation of the affairs of the company, and the record of the business transacted by the board the preceeding year; and the annual election shall be conducted by the President, or a Director, or some intelligent person appointed by the President; and after the first election no share of stock shall confer the privilege of voting unless the same has been holden one month; and no stock holder shall be entitled to vote whose stock has been called for, due, and unpaid.

§ 8. That said road shall be opened at least thirty-four feet wide, and graded not less than twenty feet in width, in the centre of which not less than ten feet shall be made an artificial road, composed of stone well broken, or gravel well compacted, and made in a suitable and durable manner, so that the same shall measure in the centre at least ten inches, gradually tapered to at least eight inches thick at the sides; and the ascent in said road shall not be of a greater elevation than four degrees; and said road when made shall be maintained and kept in good order.

§ 9. That the President and Directors shall employ such engineers, artists, and chain-carriers as they may deem necessary; and they are hereby authorized to enter in and upon the lands and enclosures and public roads through and over which the said intended road is to be located, and to examine and survey the ground most proper for the purpose; and to examine the quarries, beds of stone and gravel, and other materials necessary for the construction of said road; and they shall have the right to survey and lay out their road through any improved or unimproved land between the points aforesaid, and take from the land occupied by said road, when located, and from the lands in the vicinity thereof, any stone, gravel, timber, or other materials necessary to construct a good and substantial road as contemplated by this act; and if any disagreement between the company and such owners of

1858.

Eligibility of  
officers.

Annual election

Width & grade  
of road.May survey and  
locate road.

1858.

land through which said road is to pass, and from which such materials is sought to be taken, as to the value, the same shall be ascertained by a writ of *ad quod damnum*, sued out from the County Court by the President and Directors for that purpose ; and the jury, in assessing damages, shall take into consideration the advantages to the party claiming damages by the establishment of the road.

*May call meetings.*

§ 10. That the President may call meetings of the Directors at such times and place on the route of said road as he may think proper, two of whom and the President, or three of the Directors, may transact business ; they shall keep a record of their proceedings, to be entered in a book provided for that purpose, and they shall be signed by the President or President *pro tempore*. When any member of the company shall have fully paid up his stock he shall be entitled to a certificate for the same, signed by the President and countersigned by the Treasurer, which certificate of stock shall be transferable on the books which shall be kept by the Treasurer ; upon the transfer of stock, if a certificate has been issued therefor it shall be returned, and a new certificate issued.

*Notices of annual elections.*

§ 11. That the President and Directors, or some one of them, shall give fifteen days notice in writing, at three of the most public places along the line, or in the vicinity of their road, of holding the annual elections, and of the calls for stock ; and they shall have power to employ and appoint all such surveyors, engineers, and artists as they may deem necessary to carry on their contemplated work, and to draw orders on the Treasurer for moneys necessary for that purpose.

*When gates may be erected.*

§ 12. That so soon as the President and Directors shall have completed their road they may call on three disinterested house-keepers, who are not interested in the stock of said company, to examine said road, and after being sworn if they will certify that said road is made in conformity with the provisions of this act, which certificate shall be filed and recorded on the books of said company, the President and Directors may cause a gate to be erected across said road, at any point on the road they may see proper, and may collect the tolls and duties hereinafter granted to the company, from all persons traveling with horses, mules, or other cattle, or animals, carriages, wagons, and other vehicles of pleasure or burthen.

*May appoint a toll keeper.*

§ 13. That so soon as the gate shall be erected, as aforesaid, the President and Directors may appoint a toll gatherer to collect of and from every person using said road toll at the rate hereinafter mentioned, and to stop any person riding, leading, or driving any horse or other animal, wagon, cart, carriage, or other vehicle of burthen or pleasure, from passing through said gate or turnpike road till they shall have paid toll agreeably to the

following rates: For every horse, mule, or ass, four cents; for every ten head of sheep or hogs, four cents; for every five head of cattle, four cents; for every buggy, pleasure carriage, wagon, or spring wagon, cart, or other two wheel carriage, five cents, exclusive of the beasts by which they are drawn; for every yoke of oxen, four cents.

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§ 14. That if any person or persons liable to pay the toll aforesaid shall defraud the company, by passing through any private gate, bars, or fences, or along or over any grounds, or lands near to or adjoining any part of said road or gate, or shall take off or cause to be taken off, any horse or other beast of draught, or shall pass through said toll gate without payment of toll, or in good faith endeavor to pay, or shall practice any other fraudulent device to evade the payment of toll or duty, shall forfeit and pay to said company the sum of ten dollars, recoverable before any Justice of the Peace as other debts of equal amount: and suits to recover stock, or the penalties herein named, shall be brought in the name of the North Bend and Wolper Turnpike Road Company.

Penalty for avoiding gates.

§ 15. The President and Directors may take a release of the right of way from persons over whose land said road may pass, and of a grant of materials for said road.

May acquire right of way.

§ 16. That the President and Directors shall cause to be kept a fair and just account of all moneys which shall be received by them from subscribers of stock of said company, and also of all expenditures by them in the prosecution of said work. They shall keep a just account of tolls received, and expenses of repairs of said road, and of costs of collection, and at the end of each year make a dividend to the stockholders, whose stock has been paid, (if there be any money to divide.)

May hold land for toll houses.

§ 17. That the President and Directors may contract for and hold land not exceeding one acre for the purpose of a toll house, and shall have the right to cause the same to be taken and condemned as authorized in the ninth section of this act; and they may make by-laws for the carrying into effect the intention of this act, not inconsistent with this law, or the laws of the State; and may graduate the rates of toll, but not to charge a higher rate than herein allowed.

§ 18. The Legislature retains the power to modify this charter as may be deemed necessary.

Approved February 13, 1858.

1858.

## CHAPTER 421.

AN ACT to amend the charter of the Campbell Turnpike Road Company.  
*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Campbell Turnpike Road Company shall have power to take conveyances of real estate in payment of debts due the company, and to sell and convey the same at pleasure; and shall have power to purchase and hold real estate sold under execution or judgment on behalf of said company, and to sell and convey the same at pleasure; and all conveyances made to said company heretofore, for the purposes named in this act, are hereby legalized.

§ 2. The said company shall have power to increase its capital stock to any sum not exceeding fifty thousand dollars, by a vote of the stockholders.

Approved February 13, 1858.

## CHAPTER 422.

AN ACT establishing an additional voting precinct and Justices' District in Morgan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional Justices' District and election precinct be and the same is hereby established in Morgan county, with the following boundary: Beginning at the mouth of the North fork of Licking river; thence up said river so as to include John H. Day's house; thence to the mouth of Pleasant Run; thence up said creek to the mouth of the fork that Allen T. Day lives on; thence up the point between the two creeks to the dividing ridge between the North fork and Pleasant run; thence with the divide, so as to include all the waters of the North fork, to the head of said creek; thence with the dividing ridge between the North fork and Little Sandy waters to the Epperheart district line; thence with said line to Rowan county line; thence with the Rowan county line to the beginning.

§ 2. That an election for two Justices of the Peace and one Constable for said district shall be held therein, at the house of Anderson Blair's mill, in May next, at the same time that elections are held in other precincts of said county; and the County Court of Morgan county shall at the same time it appoints officers to conduct other elections in said county, appoint the proper and necessary officers to hold and conduct said election; and it shall be the duty of the Sheriff of said county to attend and superintend the same; and in all respects said election shall be held and conducted as other elections are required by law to be conducted.

1858.

§ 3. That the district hereby established shall be a voting precinct at all elections hereafter held in said county, and Anderson Blair's mill shall be the voting place therein; and elections in said district shall, in all respects, be conducted as in other election precincts and places of voting in said county.

§ 4. That after the said election in May next, the comparison of the polls and returns to the Secretary of State shall be made as now required by the general election laws. The Justices elected shall be commissioned, and they and the Constables elected shall hold their offices, respectively, until the next general election of Justices and Constables, and until their successors are duly qualified.

Approved February 13, 1858.

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#### CHAPTER 423.

AN ACT concerning the Police Judge and Town Marshal of Greenville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the jurisdiction of the Police Judge of the town of Greenville be hereafter limited, in civil cases, in cases arising within the limits of said town.

§ 2. That the Marshal of said town shall have no power to execute any process issued by a Justice of the Peace in civil cases.

§ 3. That the Police Judge of said town shall, hereafter, be elected by the qualified voters of said town, at the same time, and in the same manner, and hold his office for the same term, as the County Judge of Muhlenburg county.

§ 4. That the Marshal of said town shall hereafter be elected by the qualified voters of said town at the same time, and in the same manner, and hold his office for the same term, as the Sheriff of said county.

§ 5. That the election of the town Marshal shall be certified by the Board of Trustees of said town to the Muhlenburg County Court; and such Marshal shall give bond and security, and qualify in the County Court, as Constables are now required to do by law; and the Marshal shall be liable to motion or action as Constables now are by law.

Approved February 13, 1858.

1858:

## CHAPTER 424.

## AN ACT to incorporate the town of Grundy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Grundy, in Pulaski county, is hereby incorporated with the boundary as laid off in the original laying off said town.

§ 2. They shall elect in said town a Town Marshal; and all persons who by law are now authorized to vote of members of the General Assembly shall be legal voters for Trustees and Marshal of said town.

§ 3. That the 2nd, 5th, and 7th sections, of the act incorporating the town of Ashland, in Greenup county, approved February 23, 1856, shall apply to the town of Grundy.

§ 4. The Marshal of said town shall have the same jurisdiction, within the limits thereof, that Constables now have within their respective jurisdictions.

Approved February 13, 1858.

## CHAPTER 425.

## AN ACT to incorporate the Bardstown and Simpson's Creek Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Name and style.** § 1. That a company may be formed and created a body politic and corporate, by the name and style of the "Bardstown and Simpson's Creek Turnpike Road Company," for the purpose of making a turnpike road from the Bloomfield and Louisville turnpike road, (at the point where said road crosses Simpson's creek,) and to intersect the Bardstown and Louisville road at or near the second mile stone on said road.

**Capital stock.** § 2. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of twenty-five dollars each.

**Commissioners.** § 3. The books for the subscription of stock shall be opened by Henry Nichols, Charles Lewis, E. Tichenor, Samuel Lancaster, and A. Tichenor, who are hereby appointed Commissioners for said purpose, at such times and places as they or a majority of them shall deem proper. When the sum of five thousand dollars shall have been subscribed to the capital stock of said company it shall be the duty of the Commissioners named in this section to give notice in such manner as they may think proper, for a meeting of the stockholders, at such time and place as the notice may specify, for the purpose of electing a President and five Directors; one vote shall be allowed for each share of stock; and the President and Directors shall

continue in office for one year, and until their successors are elected and qualified. The times and places of all elections, after the first, shall be fixed by the President and Directors—giving notice of at least twenty days of the time, place, and object of the meeting; a majority of the board shall be competent to transact business.

§ 4. That sections 4, 5, 6, 7, 8, 9, 10, and 11, of an act, entitled, an act to incorporate the Bardstown and Cedar creek Turnpike Road Company, approved March 3, 1858, so far as they are applicable, be and they are hereby added as additional sections to this act, which takes effect from and after its passage.

Approved February 13, 1858.

1858.

Charter of  
Bardstown and  
Cedar creek  
road made part  
of this.

#### CHAPTER 498

AN ACT to incorporate the Harrodsburg, Duncansville, and Chaplaintown Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company shall be and is hereby formed, for the purpose of making and keeping up an artificial road, on the McAdam's plan, from Harrodsburg, through Duncansville, to Chaplaintown, in Nelson county, under the name and style of the "Harrodsburg, Duncansville, and Chaplaintown Turnpike Road Company," and by that name and style shall be a body politic and corporate of perpetual succession, and by that name and style shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, a power and be answered unto, defend and be defended in all courts and places in this Commonwealth with power to acquire, hold, possess, use and occupy all such real estate as may be necessary and convenient for the site and route of said road, for piers and abutments of said bridges as may be necessary on said road, lots for toll houses and residences of gate keepers, not exceeding one acre at the site of each toll gate erected upon said road, also the necessary stone, gravel, sand, and earth for the construction and repair of said road, and to have and use a common seal, and the same to alter and renew at pleasure; and to make and ordain all such by laws as may be necessary for the construction, formation, and repair of said road, and to do all and every act which a body politic and corporate may lawfully do, not contrary to the laws and constitution of Kentucky, nor of the United States.

§ 2. That the width of said road shall not be more than fifty feet, nor less than thirty, of which not less than twelve nor more than fifteen feet shall be McAdamized, composed of stone or gravel; or both, or other suitable

Name and style.

Powers, &c.

Width of road.

1858.

materials, well compacted and put down in a workman-like manner; and shall maintain and keep the same in repair; and in no case shall the ascent in said road be of a greater elevation than four degrees.

**Capital stock.**

§ 3. That the capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each; and that books for the subscription of stock in said company shall be opened on the second Monday in June, 1858, in the town of Chaplin, under the direction of T. K. Marshall, Peyton McMicken, William Morgan, —— Bayne, and W. E. Riley, or some two or more of them, who are hereby appointed Commissioners for that purpose; at the town of Duncansville under the direction of G. C. Alfred, Robert McAfee, Sr., Cyrus Graham, Dr. Sparks, or some two or more of them, who are hereby appointed Commissioners; at the town of Harrodsburg under the direction of Robert Forsythe, Aaron Alexander, Isaac Gray, and B. C. Trapnell, or some two or more of them, who are hereby appointed Commissioners for that purpose.

**Books kept open.**

§ 4. That the books for the subscription of stock in said road shall be kept open during the pleasure of said Commissioners, or the pleasure of the President and Director of said Turnpike Road Company, until the stock is all subscribed; and whenever two hundred shares of capital stock shall have been subscribed, it shall be the duty of the Commissioners above named, or a majority of such of them as shall act as aforesaid, to call a meeting of all the subscribers to said stock at the town of Duncansville, by giving public notice thereof by advertisement at public places in Harrodsburg, Duncansville, Johnsonville, and Chaplintown, for at least twenty days, for the purpose of organizing by the acceptance of their charter and the election of a President and four Directors, at which election at least three of said Commissioners above named shall be present, one of whom shall act as President of the meeting, and proceed to take the vote of said stockholders, by ballot, of said stockholders who shall have a right to vote in person or by proxy, under power of attorney satisfactorily authenticated—each stockholder having one vote for each share he has subscribed—for President and Treasurer and Directors, who shall hold their office for one year, and until their successors shall be duly elected and qualified.

**Obligation.**

§ 5. That said Commissioners shall procure the necessary books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the President and Directors of the Harrodsburg, Duncansville, and Chaplintown turnpike road company, the sum of fifty dollars for each and

**Meeting to be called to elect officers, &c.**

every share of stock in said company set opposite to our names, in such manner and proportion, and at such times, as shall be required by the President and Directors of said company."

§ 6. The President, Directors, and Treasurer shall, before they enter upon the discharge of their duties as such, take an oath before some Justice of the Peace that they will faithfully perform their duties, respectively, without fear or affection, according to the best of their judgment. The Treasurer shall, before he enters on the duties of his office, give bond with two or more good securities, in such penalties as the President and Directors may direct, payable to the company hereby chartered, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of money in his hands to the order of said company, and that he will perform the duties required of him by the by-laws of said company.

§ 7. An election for President, Directors, and Treasurer shall be held annually, from and after the day of the first election, at such places as the President and Directors may designate each year; and at such annual election the President shall lay before the stockholders an expose of the condition of said company, and also the record of the proceedings of said company for the preceding year.

§ 8. That if a sufficient amount of stock shall not be taken to complete said road, then and in that case the President and Directors shall have power to expend the amount subscribed upon each end of the road, in equal amounts: *Provided*, That they shall in no case cause the money subscribed by citizens living in one county to be applied to that part of the road lying in either of the other counties, without their consent, until there shall be enough subscribed to complete the entire road.

§ 9. That all the provisions from the fifth to the thirty-fifth sections inclusive, of an act, entitled, an act to incorporate the Danville and Hustonville turnpike road company, approved March 4, 1844, except when already provided by this act, and when inconsistent with the provisions of this act, and so far as the same are applicable to the objects and intents of this act, be and they are hereby adopted and enacted as a part of this act, except the notices required to be printed in the Danville papers shall be printed in the Louisville papers, and when the counties of Boyle and Lincoln are mentioned, the counties of Mercer, Washington, Anderson, and Nelson, are intended to be inserted herein.

1858.

Officers to take an oath.

Annual elec-  
tions.

How and where  
money to be ex-  
pended.

Charter of the  
Danville & Hus-  
tonville road  
made part of  
this.

1858.

## CHAPTER 427.

AN ACT to incorporate the Hustonville, Middleburg and Liberty Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporate name and style.

§ 1. That a company shall be formed, under the name and style of the "Hustonville, Middleburg and Liberty Turnpike Road Company," for the purpose of constructing an artificial road from Hustonville to Liberty, by way of Middleburg, with stone, gravel or plank.

Capital stock.

§ 2. That the capital stock of said company shall be forty thousand dollars, to be divided into shares of fifty dollars each.

Commissioners.

§ 3. That books for the subscription of stock shall be opened at any time after the passage of this act at the town of Liberty, under the direction of John Frye, C. R. Coffey, John Ellis, Wm. Woodson, John Carpenter, Wm. P. Tate, and G. W. Sweeney; at Hustonville, under the direction of Robert Blain, F. S. Kaughman, I. E. Hoofman, and Joel Lee, who are hereby appointed Commissioners. The Commissioners at each of the places shall procure one or more books, and in each of them enter as follows, viz: "We, whose names are hereunto subscribed, promise to pay to the President, Directors, and company of the Hustonville, Middleburg, and Liberty Turnpike Road Company, the sum of fifty dollars for every share of stock set opposite our names, in such manner and proportion, and at such times and places, as shall be by them required under the law incorporating said company. Witness our hands, this — day of —, 185—." The books of subscription shall remain open until the whole capital stock shall be taken, or enough thereof to complete said road; any person or corporation may subscribe at any time or place, in the presence of one of the Commissioners.

Meeting to be called to elect officers.

§ 4. That so soon as five thousand dollars shall be subscribed the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and six Directors, who shall hold their office for one year, and until others shall be elected and duly qualified. The said President and Directors shall, before they enter upon the duties of said office, take an oath before some Justice of the Peace that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That upon the qualification of the President and Directors they shall appoint a Treasurer and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The Treasurer of said company

shall, before he enters upon the duties of his office, give bond with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors, and that he will perform the duties required of him by the by-laws of said company.

1858.

§ 5. That upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the "Hustonville, Middleburg, and Liberty Turnpike Road Company;" and by the said name the said Company shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and real and personal estate as much as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever; also, to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

When company  
is organized.

§ 6. That all the provisions, from the fifth to the thirty-fifth section of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March the 1st, 1844, be and the same are hereby made part of this charter so far as it does not conflict with this. The Legislature hereby reserves the right to alter, amend, or repeal this charter at pleasure.

Charter of Dan-  
ville and Hus-  
tonville road  
made part of  
this.

§ 7. That the County Court of Casey county, a majority of the Justices of the Peace of said county concurring therein, may take stock in said road, not exceeding five hundred dollars per mile within said county; and to pay for the same may levy a tax upon each one hundred dollars worth of property in said county, subject to taxation, as will be sufficient for that purpose.

Casey County  
Court may take  
stock.

§ 8. This act to take effect from and after the passage thereof.

Approved February 13, 1858.

1858.

## CHAPTER 498.

AN ACT to incorporate St. Phillip's Church, at Harrodsburg.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Rev. Mathew F. Maury, Benjamin C. Trapnell, Thomas P. Mitchell, Henry H. Farnsworth, Joseph McGrorty, and William Cole, and their successors in office, shall be and they are hereby constituted a corporation and body corporate, by the name of "the Rector, Wardens, and Vestry of St. Phillip's Church, Harrodsburg;" and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, and may purchase and hold property, whether acquired by purchase, gift, devise, or bequest, and whether real, personal, or mixed; and may make and have a corporate seal, and the same break and alter at pleasure; and shall have the power to make contracts, and pass by-laws not inconsistent with the laws of this State.

§ 2. That the entire management of the affairs and concerns of said corporation and church, and all the corporate powers hereby granted, shall be and are hereby vested in a Board of ten Trustees, resident within this State, consisting of the Rector, Wardens, and Vestry of said church for the time being—the persons named in the first section of this act being the present Rector, Wardens, and part of the vestry.

§ 3. That the majority of the Trustees, in vestry assembled, shall have power, from time to time, to enact by-laws for the regulation and management of the affairs and concerns of said corporation and church; for filling up vacancies in the board occasioned by death, resignation, removal from the State, or otherwise, as may be provided for by the by-laws; to prescribe the number and description, duties, and powers of the offices; to sell the pews in said church, subject to a quarterly or annual tax, and to enforce the payment thereof, as well as of the quarterly or annual rent of pews; to confiscate or sell, at their option, for the use of said corporation and church, any and all pews on which the quarterly tax remains unpaid for the space of six months: *Provided*, The same be consistent with the terms of lease.

§ 4. That for the purpose of carrying out the object declared in this act, or for any purpose connected therewith, the said corporation shall have power to have, hold, take by purchase or otherwise, real and personal estate, and to sell lease, and dispose of same.

§ 5. That this act is subject to amendment or repeal by the Legislature at any time.

Approved February 12, 1858.

## CHAPTER 429.

## AN ACT for the benefit of Arthur H. Belt.

Whereas, doubts exist as to whether Arthur H. Belt is a citizen of Crittenden or Livingston counties—he resides near where the line is supposed to run between said counties. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That said Belt be and he is hereby authorized to select the county in which he will in future become a citizen, entering said choice on record in the County Court Clerk's office of the county so claimed, and hereafter he shall be considered a citizen of said county. This act to take effect from its passage.

Approved February 13, 1858.

## CHAPTER 430.

## AN ACT to amend the charter of the Burlington and Florence Turnpike Road Company.

Whereas, the Burlington and Florence Turnpike Road Company have erected a toll-gate at an eligible site, where several county roads intersect and cross their turnpike road, and certain persons own a small tract of land as said toll-gate, about one-tenth of one acre of which is on the north side of said turnpike road, with two small dilapidated round log cabins, of but little value, and now out of use, occupying the site, very much the most suitable for a toll-house. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of said of Turnpike Road Company be and the same is hereby so amended as to authorize said company, in proceeding under their charter, to condemn land for toll-house purposes, to include the two old out-houses described in the foregoing preamble.

May condemn  
land for toll  
houses.

§ 2. That said company may erect another toll-gate on the three miles of said road now made, at some point east of the bridge at Julius Rouse's, and collect toll at the same according to the rates allowed by the original charter, but said company are not to charge toll at both gates for the same time traveling through them.

May erect an-  
other gate.

§ 3. That the 20th section of the original charter aforesaid, be so amended that the forfeiture or penalty therein named, for any of the various offenses and devices therein specified to avoid the gates, and evade the payment of toll, shall be ten dollars for each offense hereafter committed, instead of twenty dollars, and to be applied to the gate to be erected by authority of this amendment.

Penalty for  
avoiding gate.

1858.

*Penalty for in-juring bridges, &c.*

§ 4. That if any person shall injure or damage the bridges or gates on said road, or pass through said gates by day or by night without payment of toll, (if liable,) or in good faith endeavoring to pay, shall, for each offense, forfeit and pay to said company the sum of ten dollars; and the fact that any of the offenses named in said 20th section having been committed shall generally be construed that it was for the purpose of defrauding said company.

*Penalty for fast driving, &c.*

§ 5. That if any person travel their horses or other cattle on any of the bridges on said road faster than a walk, or shall obstruct said road, or injure the same by taking therefrom, for amusement or otherwise, any portion of the stone, gravel, or earth of which said road is made, shall forfeit and pay to said company, for each offense, the sum of five dollars, to be recovered as prescribed in said 20th section of the original charter.

*Repealing clause.*

§ 6. That so much of the act of which this is an amendment, as may be in conflict with this act, is hereby repealed.

Approved February 13, 1858.

## CHAPTER 431.

AN ACT amending the charter of the Barren county Railroad.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

*Time for paying for stock extend-ed.*

§ 1. That the time for the payment of the four last installments of the subscription of stock made by the President of the Board of Trustees of Glasgow, on behalf and for the said town of Glasgow, to the capital stock of the Barren County Railroad Company, be extended to four years, and the payment thereof to be made in eight equal installments, at the times in each year specified in and by the terms of said subscription, and for that purpose said Board of Trustees is hereby authorized, and empowered, and required to levy, on the property of said town subject to taxation, for that purpose, a tax sufficient to raise, (exclusive of the cost of collection, and after allowing for delinquencies,) in each of the years 1858, 1859, 1860, and 1861, the sum of eighty thousand three hundred and thirty-three dollars and thirty-three and a third cents, and which, when collected, shall be paid in two equal installments in each of said years to said railroad company, in payment of so much of said subscription: *Provided*, That nothing herein contained shall be construed as extending the time for the payment of the first two installments of said subscription and which were due and payable in the year 1857, but said Board of Trustees is hereby authorized and required to collect from the tax payers of said

town the balance thereof uncollected, according to the assessment of property made for that purpose in the year 1857, and to pay the same to said company, and full authority is hereby granted to the Barren Circuit Court, upon application therefor by said company, to compel said Trustees by writ of *mandamus*, to collect and pay to said company said subscription, or any part thereof, which when due and payable remains unpaid: *Provided further*, That said town shall not be entitled to the benefit of this section until said Board of Trustees shall enter upon their record an acceptance of the provisions of this act, and until the Board of Directors of said company shall, by entry on their record, accept the provisions of this section.

1858.

§ 2. That the Assessor of tax of said town, who shall assess the property thereof for taxation to pay said subscription, shall commence his duties in the year 1858, and in each subsequent year thereafter, on the 10th day of April, and shall complete his book and return the same on or before the 1st day of May of each year; and all the taxable property in said town, on the 10th day of April, shall be subject to taxation for the payment of said subscription, and all the taxable property of said town which may have been removed without the limits thereof between the 1st day of January, and the 10th day of April, for the purpose of evading the payment of said tax, shall be subject to taxation, and be listed by the owners and agents thereof, respectively, as though it had not been so removed; and said assessment of the property of said town shall be made according to the value thereof on the 10th day of April of each year.

Duty of Assessor  
of tax.

§ 3. That it shall be the duty of said Assessor to administer to each of the persons whose list he takes, as aforesaid, the following oath, to-wit: "You do swear that this list of taxable estate, given in by you, contains a full and complete list, and the best description of the same you can give, of all and every species of property belonging to you or in your possession in Glasgow on the 10th day of April last; that no removal of property has been made by you from said town since the 1st day of January last, for the purpose of evading the payment of railroad tax thereon, nor any method or devise adopted or practised by you whereby to evade such payment; and that you will true and perfect answers make to such questions as may be asked you concerning your taxable property in Glasgow, or which may have been removed therefrom since the 1st day of January last." And if any taxpayer of said town, when applied to for his list of taxable property, refuses to take said oath, his said refusal shall be reported by the Assessor to the President of said Board of Trustees, who shall issue a summons against

Assessor to ad-  
minister oath,  
etc.

1858.

him or her so refusing, to appear before the said board on a day named in said summons, when the said President shall again tender to him said oath, and if he shall again refuse to take said oath, or being summoned as aforesaid shall fail to appear, such person shall be fined not less than twenty-five, nor more than fifty dollars, to be recovered before the Police Judge of said town, by warrant in the name of the said board; and shall also pay the costs of said proceeding, including a fee of fifty cents to the Marshal, Sheriff, or Constable who may serve the above named summons to appear before said Board of Trustees; and the fines collected under this act shall be applied to the payment of the expenses of collecting the railroad tax of said town. And in case of the failure or refusal of any person to give the list of his or her taxable property, sworn to as aforesaid, it shall be the duty of said Assessor to obtain such list from the books of the Assessor of Barren county for that year, and from such other evidence as he may be able to procure.

Assessor to make endorsement on book.

§ 4. That it shall be the duty of said Assessor, when he returns his books, to endorse thereon an affidavit that he has administered said oath to each of the persons whose list he has taken and returned, or if he has failed in any case to administer said oath, he shall state the reason of such failure, and for every such failure, without good cause, he shall be fined the sum of ten dollars, to be recovered by warrant before the Police Judge of said town, in the name of said Trustees, and applied to the payment of the expense of listing the property of said town for taxation for railroad purposes. Any person swearing falsely in any of the oaths required to be taken under this act shall be guilty of perjury, and subject to the penalties thereof.

Company may issue bonds, &c.

§ 5. That said railroad company shall have power to issue the bonds of said company, for any debts contracted in building or equipping said road, an amount not exceeding one hundred thousand dollars, bearing interest at the rate prescribed in the act to which this is an amendment, and to mortgage the said subscription of stock by said town or any other subscription which has been made, or may hereafter be made, to the capital stock of said company by individuals, counties, or corporations, to secure the bonds so issued; they may also, for like purpose, mortgage said road and all the franchises, rights, and privileges belonging to them, and the holders of said bonds may, by proper proceedings in the Barren Circuit Court, foreclose said mortgages given to secure said bonds, and any sales under judgment of said court shall be as effectual to pass the title to the thing sold as sales of property of individuals under similar judgments.

§ 6. This act shall take effect from its passage and approval.

1858.

Approved February 13, 1858.

CHAPTER 432.

AN ACT further to regulate tolls at the toll gate in Knox county on the Cumberland Gap Road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all salt wagons and other vehicles hauling salt through the turnpike gate on the Cumberland Gap Road, in Knox county, owned or managed, or under the control of citizens of Knox or Harlan counties, shall pay toll at said gate the same as other wagons or carts or vehicles for transporting salt now pay, according to the number of the team of either horses or oxen used in such vehicle of transportation, except that the citizens of Knox and Harlan counties shall have liberty to haul through said gate any salt for their own use in said county, or which may be for consumption in either of said counties by the citizens of the same, which shall pass said gate free from paying toll; but upon all salt hauled as aforesaid, by citizens of Knox and Harlan counties, for consumption out of the State, or in any other portion of the State except the counties aforesaid, the same rates of toll shall be collected as now by law in like cases provided.

§ 2. Upon all barrels of salt, or sacks, or bags, of salt, which may be rolled or carried through said gate, or passed through otherwise than by the use of teams, and not for consumption in either Knox or Harlan counties, as mentioned in the first section of this bill, a toll shall be collected at said gate of (4) four cents on each bushel of fifty pounds.

§ 3. To carry into effect the provisions of this act, the gate keeper of said gate shall have power and authority to administer any oath to any and all persons hauling salt, or otherwise passing it through said gate, which may be by him deemed necessary to carry out the objects of this act; and any one who shall be convicted of false swearing under any oath so administered, shall be deemed guilty of perjury, and dealt with accordingly.

Approved February 13, 1858

1858.

## CHAPTER 433.

AN ACT to incorporate the Ruddell's Mills and Shawhan's Station Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:***Corporate name and style.**

§ 1. That a company be and is hereby created, under the name and style of the "Ruddell's Mills and Shawhan's Station Turnpike Road Company," for the purpose of constructing a McAdamized turnpike road in the county of Bourbon, from Ruddell's Mills to Shawhan's Station, and run in the direction of the road now between those two places.

**Capital stock.**

§ 2. The capital stock of said company may be fifteen thousand dollars, divided into shares of one hundred dollars each.

**Commissioners.**

§ 3. A book for the subscription of stock in said company, under the direction of Wm. Skinner, Dan'l Shawhan, Jr., Jacob Duncan, Willis Collins, Hector Reed, as Commissioners, any one or more of whom may act, and procure a book in which the subscribers to the stock of said company shall enter into the following obligation, to wit: "We, whose names are hereto subscribed, do respectively promise to pay to the Ruddell's Mills and Shawhan's Station Turnpike Road Company, the sum of one hundred dollars for each and every share of stock in said company set opposite to our names, in such manner and proportions, and at such times, as shall be required by the President and Directors of said Company," which obligation may be enforced in the proper courts.

**Books to be kept open.**

§ 4. The book of subscription shall remain open until the whole capital stock, or enough to complete the road shall have been subscribed.

**Meeting to be called to elect officers, &c.**

§ 5. So soon as fifty shares shall have been subscribed it shall be the duty of the Commissioners, or some one of them, to give notice of a meeting of the stockholders of said company, in the town of Ruddell's Mills, for the purpose of choosing officers, which notice shall be put up at three of the most public places on the contemplated road for at least ten days before the meeting; and at said meeting at least two Commissioners shall be present and, superintend and conduct the election. There shall be elected a President and five Directors, who shall hold their office one year, and until their successors shall be duly elected and qualified. At all elections the stockholders shall be entitled to one vote for each share of stock held. The President and Directors shall take an oath before some Justice of the Peace, that they will faithfully discharge the duties of the respective offices, without favor or affection, according to the best of their judgment; and upon the election and qualification of the President and Directors of said company the stockholders thereof

shall become a body politic and corporate, by the name and style of the "Ruddell's Mills and Shawhan's Station Turnpike Road Company;" and by that name shall have perpetual succession, contract and be contracted with, sue and be sued, and have all the powers conferred by the Revised Statutes on turnpike road companies incorporated according to its provisions.

§ 6. That the provisions of an act, entitled, an "act to incorporate the Parkers' Mill Turnpike Road Company," approved March 10, 1854, from section seven to twenty inclusive, shall apply to the corporation hereby created.

§ 7. That the President and Directors shall be authorized to erect a gate and charge the usual rates of toll, per mile, charged by other turnpike road companies.

§ 8. The company may, if they think proper, extend the road from Shawhan's Station to intersect the Cincinnati road at or near Mount Carmel meeting house, in which case they may erect a toll gate between Mount Carmel meeting house and Shawhan's Station, and charge the usual rate of toll per mile for travel on the same.

1858.

Charter of the  
Parkers' Mill  
road made part  
of this.

May erect gate.

May extend the  
road to Mt. Car-  
mel.

Approved February 13, 1858.

## CHAPTER 434.

AN ACT to amend an act incorporating the Downingsville Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the 4th section of an act, entitled, an act incorporating the Downingsville Turnpike Road Company, approved March 10th, 1856, be so amended as to allow the Commissioner named in the 3d section of said act to call a meeting of the stockholders, and organize the company when stock to the amount of ten thousand dollars shall be subscribed.

§ 2. This act shall take effect from its passage.

Approved February 13, 1858.

## CHAPTER 435.

AN ACT to establish a state road from Birmingham to Mayfield.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Nelson Owen, James Wian, and James Gorham, of Marshall county; J. B. Anderson, William M. Cargill, and Crawford Anderson, of Graves county, be and they are hereby appointed Commissioners, (any three of

Commissioners.

1858.

Their duties.

whom may act,) to view and mark out the nearest and most practicable route for a state road, thirty feet wide, from Birmingham to Mayfield, by the way of Williamsburg and Benton; and shall make their report, upon oath, to their respective County Courts on or before the first day of June, 1858, whose duty it shall be, on the reception of said reports, to cause an order to be issued for the opening of the same, after appointing Surveyors in suitable precincts, and allotting them a sufficient number of hands, to open the same—said road to be opened thirty feet wide, all lumber taken out, stumps not to be more than twelve inches above the surface of the ground.

How land may be condemned.

§ 2. That if any person or persons through whose land this said road may pass, shall object to the same, the County Court of the county in which said land may lie shall cause to be summoned a jury of twelve free holders of their county, whose duty (after first being duly sworn,) it shall be to assess the damage that would accrue to said individual from the establishment of said road through his, her, or their land, and the sum so assessed shall be paid out of the county levy of the county in which said land may lie; and the County Courts are hereby authorized to levy a sum sufficient to cover all damages which may be so assessed, together with costs.

Pay of Commissioners.

§ 3. That the Commissioners aforesaid shall receive the sum of one dollar and fifty cents per day while engaged in running and marking out the route of said road, the same to be paid out of the county levy as aforesaid.

Limit of damages, &amp;c.

§ 4. That in no instance shall the County Courts of the counties aforesaid be compelled to pay damages when it is over one hundred dollars, unless it should to them seem advisable.

§ 5. This act to take effect from its passage.

Approved February 13, 1858.

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#### CHAPTER 436.

AN ACT to change the place of holding the election in District No. 7, in the county of Greenup.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the voting place in District No. 7, of the county of Greenup, be changed from the house of Richard Scotts to the town of Catlettsburg, in said district; and that hereafter the qualified voters of said district shall vote at the office of the Police Judge, or some other suitable place in the town of Catlettsburg, in said district, which the Judges of the election may designate.

§ 2. This act to take effect from and after its passage.

Approved February 13, 1858.

## CHAPTER 437.

1858.

AN ACT changing Morganfield District, in Union county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the district lines of Morganfield District, in Union county, be so changed as to include the residence of Moses Baker in Waller district, and Robert A. Spalding in Uniontown district.

Approved February 13, 1858.

## CHAPTER 438.

AN ACT authorizing the County Court of Trigg to change the State Road in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ That the Trigg County Court be and the same is hereby authorized to change that part of the State Road leading from Cadiz, in said county, to Aurora, in Marshall county, which runs through the lands of Wm. H. Williams and Benj. Cooper: *Provided*, That the said court, in making such change, shall be governed by the general laws now in force in relation to roads.

§ 2. This act shall take effect from the passage thereof.

Approved February 13, 1858.

## CHAPTER 439.

AN ACT creating a Police Judge and Marshal for the town of Burlington.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That on the first Saturday in May, 1858, the qualified voters of the town of Burlington, Boone county, shall have a right to elect a Police Judge for said town of Burlington, who shall continue in office until the first Saturday in May, 1862, at which time, and every four years thereafter, the qualified voters of said town shall elect a Police Judge.

Police Judge to be elected.

§ 2. That the candidates for said office shall have the same qualifications as those for the office of County Court Judge.

Qualifications.

§ 3. That said Police Judge shall enter upon the duties of his said office on the first Monday succeeding said election, but before doing so he shall take the same oath of office that is required to be taken by the Judges of County Courts.

Time of entering upon duties of office.

§ 4. That said Police Judge shall have the same jurisdiction, and receive the same fees for his services, that

Jurisdiction.

1858.

the Justices of the Peace have; and his fees shall be collected in the same manner that the fees of Justices of the Peace now are.

*Who to conduct election.*

§ 5. That said election shall be held by the Clerk and two Justices of the Peace of said town or district, which Justices shall give a certificate to the successful candidate of his election.

*Marshal to be elected.*

§ 6. At the same time and place at which said Police Judge shall be elected there shall also be elected a Marshal for said town, who shall have power to execute all process issued by said Judge, and shall exercise all the powers of a Constable, and shall hold his office for the term of two years, and be elected on the first Saturday in May every two years after his first election.

Approved February 13, 1858.

#### CHAPTER 440.

**AN ACT to incorporate the Bowlinggreen and Scottsville Turnpike Road Company.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

*Corporate name and style.*

§ 1. That a company is hereby formed, under the name and style of the "Bowlinggreen and Scottsville Turnpike Road Company," for the purpose of constructing an artificial road from the town of Bowlinggreen, in Warren county, to the town of Scottsville, in Allen county.

*Capital stock.*

§ 7. The capital stock of said company shall be fifteen thousand dollars, to be divided into shares of fifty dollars each; and if it be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Directors may increase it to such amount as they may deem necessary, and open subscriptions therefor in such way as they deem proper.

*Commissioners.*

§ 3. Books for the subscription of stock shall be opened on the 3rd day of March, 1858, or as soon thereafter as may be convenient, ten days notice being given by any three of the company, in the town of Bowlinggreen, under the direction of E. M. Covington, Steven Potter, E. A. Garrison, David Chapman, A. C. Dicinson, Moses Hess, S. P. Smith, Jos. Potter, Seaf J. Smith, D. C. Smith, P. J. Potter, Wm. H. Skiles Lewis Potter, B. C. Grider, Frederick Potter, Alfred Simmon, Dan'l Coleman, and Thos. J. Smith, and in the town of Scottsville, under the direction of J. C. Mulligan, W. W. Huter, J. J. Gatewood, G. M. Mulligan, A. Drane, W. Brown, Robt. Paris, and A. A. Harvey, or any three or more of them at each of the said places, who are appointed Commissioners. The said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the

following obligation in said book or books, viz: "We, whose names are hereunto subscribed, severally promise to pay to the President, Directors, and Company, of the Bowlinggreen and Scottsville Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite our several names, and agreeably to an act of the General Assembly of the Commonwealth of Kentucky incorporating said company. Witness our hands this —— day of —— 1858." And in case any persons wish to pay their stock in work on said road then they shall append to their names the following words: "to be paid in work on said road, at such time, and in such manner, and at such valuation, as may be prescribed by the President and Directors of the company."

§ 4. The President and Directors shall have power to let out portions of said road to individuals, who may agree to construct the same, and take their pay in stock: *Provided*, they do not agree to allow for the construction of the same more than the estimated cost of the engineers.

§ 5. The President, Directors, and company shall be allowed to use stone or gravel, as they may select, in the construction of said road, or any part thereof.

§ 6. There shall be no toll gate or gates erected within less than one half mile of the towns of Bowlinggreen or Scottsville.

§ 7. Whenever the sum of five thousand dollars of stock shall be subscribed said company may organize, by the election of a President and not less than three nor more than six Directors, who may proceed to put under contract such part or parts of said road as they may deem proper.

§ 8. Individuals or companies may be allowed to subscribe as stock in said company, that they will construct one mile or more, or a fraction of a mile, of said road, and may designate the beginning point, and any such subscription shall be construed for the purpose of making the five thousand dollars of stock, upon the taking of which the company shall organize at the rate of fifteen hundred dollars per mile, but in actual stock shall be such sum as the engineer, with a concurrence of the President and Directors, shall estimate the cost to be.

§ 9. All publications required by this act may be made in any public newspapers printed in the town of Bowlinggreen.

§ 10. Any person living within one mile and a half of said road, and taking stock to the amount of one hundred dollars in said road, shall have one hand exempt from working on any road in the county.

§ 11. The Legislature reserves the right to alter, change, or amend this charter.

§ 12. The County Courts of Warren and Allen, a (majority of the Justices concurring in each county,) are each

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Materials, &amp;c.

When the company to be organized.

Companies may take stock.

Publications.

Stockholders exempt from working roads.

1858.

Warren and  
Allen County  
Courts may take  
stock.

May make  
branch road.

Meeting to be  
called.

Term of office.

authorized to lay a tax on the property of the citizens of the citizens of the counties aforesaid, respectively, not exceeding three cents upon the one hundred dollars worth on the *ad valorem* principle, to aid in the construction of said road within their respective counties, and upon such terms and conditions as each of said courts may prescribe in their respective counties.

§ 13. The President and Directors shall have power to construct a branch road to one leading from Bowlinggreen to Scottsville, which said branch road shall intersect and unite with the road to Scottsville aforesaid, within a quarter of a mile of the blacksmith shop of Sidney P. Smith, and pursue the direction and the course of the present road leading in the direction of B. C. Smith and Wm. H. Skiles, to the county lines of Warren and Simpson counties. For constructing this branch road the President, Directors, and company shall have the same power and privileges that are given to them in this charter to construct the main road leading from Bowlinggreen to Scottsville, and in all suits, pleadings, and process there shall be no change in the name or style of "the President, Directors, and company of the Bowlinggreen and Scottsville Turnpike Road Company;" and in the management, construction, and government of the said main and branch roads, the powers of the company shall be the same, in all respects, within the county of Warren, and all gifts or grants to one may enure to both by the consent of the President and Directors.

§ 14. So soon as five thousand dollars of stock are taken the Commissioners shall call a meeting of the stockholders, to elect a President and Directors, who shall hold this offices for one year; of the time and place of holding this election notice in a newspaper in Bowlinggreen shall be given for at least fifteen days prior to the election.

§ 15. All officers elected by virtue of such election shall hold their offices till their successors are duly elected and qualified. The said President and Directors shall, before they enter upon the duties of their offices, take an oath before some Justice of the Peace, (which shall be lodged with the Treasurer of the company,) that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, to the best of their judgment. Upon the qualification of the President and Directors they shall appoint a Treasurer and such other officers as they may deem necessary, who shall hold their offices for one year, and until their successors are appointed. The Treasurer of the said company shall, before he enters on the duties of his office, give bond with one or more good securities, payable to the President and Directors, of said company, in such penalty as may be prescribed by them, conditioned that he will faithfully discharge the duties of Treasurer,

and that he will, when called on, pay the amount of mon-  
eys in his hands to the order of the President and Direc-  
tors, and that he will perform the duties required of him  
by the by-laws of the company.

§ 16. Upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic corporate, in deed and in law, by the name and style of the "Bowlinggreen and Scottsville Turnpike Road Company;" and by the said name the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; of purchasing, taking, and holding, to them their successors and assigns, of selling, transferring and conveying, in fee simple, all lands, tenements, and property, real and personal, as much as shall be necessary to them in the prosecution of their work; to sue and be sued, defend and be defended, answer and be answered, in all courts of record or any other place whatever; also to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

§ 17. The number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold; and after the first election no share or shares shall confer a right of voting which shall not have been holden three months previous to the election. The stockholders may vote in person or by written proxy; and no person who is not a resident of Warren or Allen counties, and a stockholder, shall be eligible as President or Director; and the President and Directors shall cease to be such on his or their ceasing to be a stockholder. The regular annual election for President and Directors shall be held on the first Saturday in May in every year, after the first election, at such place as may be directed in the county of Warren, at which time the President shall lay before the stockholders an expose of the situation of the said company, also the record of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings and interest.

§ 18. The President and Directors, first chosen as aforesaid, shall deliver a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of the corporation, to each stockholder for the stock subscribed by him and held, which certificate or certificates shall be transferrable on the books of the said corporation, in person or by attorney, but no share shall be transferred until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member

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Powers, &c.,  
when organizedStock—how  
voted.Certificates of  
stock to be issued.

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of said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

President may call meetings.

§ 19. The President may call meetings of the Directors at such times and places as he may think proper; a majority of all the Directors shall constitute a quorum to transact business. They shall keep a record of their proceedings, to be entered in a book to be used for that purpose, and shall be signed by the President, and in the absence of the President, the Directors shall elect a President *pro tem.*; they shall adjourn from time to time as they think proper. The Board of Directors may also allow the President and Treasurer such compensation as may be deemed reasonable.

Vacancies—how filled.

§ 20. The President and Directors shall have power to fill vacancies in their body occasioned by death, resignation, or otherwise; to agree with and appoint all such surveyors, engineers, superintendents, artists, and officers as they may deem necessary to carry on the work; to fix their salaries and wages; to remove any of them at pleasure; to provide time, manner, and proportion in which stockholders shall make payments on their respective shares; to carry on said work; to draw orders on the Treasurer for all moneys necessary therefor; and to do all such things as, by this charter and the by-laws of the company, they may be authorised to do.

Notice of calls on stock.

§ 21. The President shall give notice in one or more of the newspapers printed in Bowlinggreen, for at least thirty days, of the amount of the calls on each share of stock, and of the time of payment. If any stockholder shall neglect or refuse to pay his proportion of the stock for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment called for, pay at the rate of one per cent. per month for every delay of such payment, and if he shall fail to pay the amount of such, and the penalty aforesaid, for the space of six months after the time of such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon, and the President may, by order of the Directors, after ten days notice, proceed to sell such forfeited shares: *Provided*, They will bring the amount due and unpaid on said share or shares: *And, provided also*, That no shareholder shall vote at any election, or be entitled to the right of a member of the corporation, until the whole amount due and payable as aforesaid, on the share or shares held by him, shall have been paid agreeable to the requisitions of the President and Directors.

Delinquent stock—how collected.

§ 22. If any subscriber to the stock of this company shall fail and refuse to pay the amount he subscribed, after thirty days notice by the President, he may be compelled to do so by an appropriate action in the name of

the President, Directors and Company, or in case any person has subscribed stock to be paid in work, shall fail or refuse to do so, or having begun it shall not prosecute it with proper diligence, after thirty days notice, as aforesaid, he may be compelled, by the proper action in the Circuit Court, to pay in money the amount of his subscription as aforesaid—which said actions may be maintained and prosecuted in all respects as in other cases.

§ 23. The road shall be so graded and levelled that when completed its greatest elevation shall not exceed four degrees. The width of the artificial part of said road shall not be more than forty-five feet, not less than thirty feet, and that portion covered with metal or McAdamized stone or gravel shall not exceed twenty-five feet, nor be less than fifteen feet wide, and be fully nine inches in thickness or depth, at least twelve feet wide.

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Width and  
grade of road.

§ 24. It shall be the duty of the President and Directors, or a majority of them, to fix the route over which said road shall pass, and for that purpose to employ all necessary surveyors, agents, engineers, artists, chain-carriers, &c., at the cost of the company; and they are hereby authorized to enter into and upon the lands and enclosures, public roads, and highways in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor; to examine for quarries, beds of stone, and other materials necessary for the completion and repairs of said road; and, having due regard to economy, they shall locate the road on as direct a line as the ground will admit of from Bowlinggreen to Scottsville, or from the junction of the branch road aforesaid to the Simpson county line, passing by residences of Wm. H. Skiles and B. C. Smith, in the course and direction generally the present road now runs.

Route to be fixed  
and road located.

§ 25. In case the corporation shall not be able to acquire the title to the lands over which the road shall be laid, by purchase or voluntary cession, it shall be lawful for said corporation to appropriate so much of said lands as may be necessary to its own use, for the purposes contemplated by this charter, on complying with the provisions of the following twenty-sixth section.

Lands, how  
required.

§ 26. It shall be lawful for the President of said company to apply to the Circuit or County Courts of Warren or Allen counties, and for said courts, in their respective counties, to appoint a competent engineer and two disinterested Commissioners, any two of whom may act, to examine the proposed route of said road, or branch, and to take from the proprietors of the land over which it is to pass a grant of the right of way, of such width as may be desired, and which may include the right to take stone, gravel, earth, or timber for the construction of said road. And they, jointly or severally, shall have the power and

Lands may be  
condemned.

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authority to take and certify, under their hands and seals, an acknowledgement of such grant in fee or right of way, and the separate acknowledgement of married women, that the Clerks of the County Courts have. And on the presentation of the grant, and acknowledgment to the Clerk of the County Court, where the land lies, it shall be the duty of the Clerk to record the same on other deeds, and they shall be effectual against all persons according to their tenor: *Provided*, That where the parties are infants, or absent, or refuse to make the grant, they shall hear any proof that may be adduced, and upon their own view proceed to value any land required for the right of way, taking into consideration the advantages and disadvantages the proposed road will be to the adjoining lands of such proprietor, or lands required for turn-outs or curves in said road, and also of stone, earth, timber, or gravel required for the construction of said road, and report the value they shall have affixed, together with the evidences adduced, to the court appointing them, with a map or profile of the ground required; and said report may be filed with the Clerk of such court, and a summons issued by the Clerk to the proprietors of the land to show cause against the confirmation of said report; but if the proprietor shall be out of the Commonwealth the summons may be executed upon a known agent, if there be one in the county, and if there be no known agent in the county, then the court may order the appearance of the party at a named day, and appoint the Clerk to give the proprietor notice by letter, and in case of there being infant proprietors the court shall appoint guardians *ad litem* for them, and cause the guardian to appear and act for them; and in case an absent defender does not appear the court shall appoint an attorney of the court to act for him or them. It shall be lawful for the company, or any proprietor, or both, to traverse the report, and for the court to have the traverse tried in open court by a competent jury, on which trial the report and evidence returned, as aforesaid, shall be heard, together with such other proof as may be adduced by either party. A new trial may be granted by the court as in other cases at law. The report shall stand for hearing as to any proprietor when the process or summons has been executed ten days, or after the appearance of a proprietor on the day fixed for his appearance; and the court shall have jurisdiction to confirm the report if no traverse is filed, and in case a traverse is filed to have the same tried by a jury, and to give judgment upon the report or finding of the jury, and order the payment of the money, and the execution of the grant in accordance with the report, and to have the grant executed by a Commissioner appointed by the court, and order them to be recorded in the County

Court Clerk's office of the county; and either party may have an appeal or writ of error to the proceedings, but no appeal or writ of error by the proprietor shall stop the company from proceeding with the construction of the road.

§ 27. So soon as the road is constructed, as before directed by this act, to the point of junction with the proposed branch, or to a point from Bowlinggreen equal to the distance therefrom to the fork of the Scottsville and old Nashville road, near to S. O. Smith's blacksmith shop, the company shall have the right to set up a toll-gate and gateway on said road.

§ 28. The provisions of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1, 1844, from the 21st to the 35th sections inclusive, be and the same are hereby extended to the Bowlinggreen and Scottsville Turnpike Road Company, except as modified by the next preceding section of this act; and also with the further exception thereto, that there shall never be erected in the county of Warren more than three gates for toll on the main, nor more than three on the branch road, and all of these shall be five miles distant the one from the other: *Provided however*, That it is not hereby intended to be said that there shall not be more than three gates for toll on the main and branch road together, but, that commencing at Bowlinggreen, there shall be but three to be passed in the county of Warren, on either the main or branch road. In the county of Allen the company may erect as many gateways as they deem proper: *Provided*, They shall be fully five miles distant one from the other: *And, provided also*, That the gateway in Allen county nearest the Warren line shall be fully five miles from the nearest gateway for toll in the county of Warren.

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When gate may be erected.

Charter of Hustonville &amp; Danville road made part of this.

Approved February 19, 1858.

## CHAPTER 441.

AN ACT to incorporate the Crab Orchard Springs Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby established to be denominated "The Crab Orchard Springs Company."

Name and style.

§ 2. The capital stock of said company shall consist of one hundred thousand dollars, to be divided into two hundred shares of five hundred dollars each, to be subscribed as hereafter directed.

Capital stock.

§ 3. That when sixty shares shall have been subscribed by the subscribers, and those who may thereafter subscribe, and their successors and assigns, shall be and are hereby

When company organized, &amp;c.

1858.

made a body corporate and politic, in law in fact, by the name and style of "The Crab Orchard Springs Company;" and by that name and style shall have power and be capable, in law, to contract and be contracted with, to sue and be sued, plead and be impleaded, to answer and be answered, defend and be defended, in all courts of record or otherwise; make, use, and have a common seal, and the same to alter or amend at pleasure; to have perpetual succession; make, ordain, and put in force all necessary ordinances and by-laws for the government of said corporation, and the management of its financial and incidental affairs.

Corporate pow-  
ers.

§ 4. That said company shall have power to purchase, hold, and enjoy any amount of personal, mixed, and real estate, they may deem necessary to carry on their business, not to exceed the value of one hundred thousand dollars, and they may purchase the Crab Orchard Springs, in Lincoln county, either for cash or stock in the Company, upon such terms as they may agree with the present proprietor, and may improve the same as a watering place for the accommodation of the public, by the building and erection of the necessary hotels, bath-houses, cottages, stables, and other buildings, or altering or repairing the same, and furnishing or causing them to be furnished, with all necessary furniture, fixtures, and apparatus, by themselves or agents.

Commissioners.

§ 5. That John H. Caldwell, Dr. C. Graham, Charles Caldwell, John Engleman, Thomas K. Salter, W. C. Anderson, and Gabriel S. Caldwell, be and they are hereby appointed Commissioners to open books for subscription of stock in said corporation, at such time and place as to them, or a majority of them, may seem proper, and keep the same open until sixty shares or more shall have been subscribed, whereupon it shall be the duty of said Commissioners to call a meeting of the stockholders, by giving at least one month's notice of the time and place of such meeting, by advertisement in the Kentucky Tribune and such other newspaper as they may select.

Quorum.

§ 6. When the stockholders shall meet in accordance with said advertisement a majority of whom shall constitute a quorum to do business, they shall choose a President and six Directors, all of whom shall be stockholders, who shall hold their offices for twelve months, and until their successors shall be elected; each stockholder shall be entitled to one vote for every share of stock subscribed by him not exceeding five shares, and to one vote for every two shares exceeding five; and any stockholder may, in his absence, be represented by proxy.

Shall keep re-  
cords, &c.

§ 7. The President and Directors shall keep a record of their proceedings, and appoint a Secretary and such other officers and agents as they may deem necessary for the

management of the corporate business, and take bond and security for the faithful discharge of the duties confided to each.

§ 8. In improving said springs they may contract with a tenant or tenants to construct the necessary buildings, and pay for the same in stock of the company, or in rents of the Springs or part stock and part rents, or part cash.

§ 9. The President and Directors may agree with the present proprietor, at what rate the stock may be sold, for the improvement of the Springs, and also as to the amount for which the corporation may mortgage the Springs for their improvement, but such mortgage shall not exceed the amount of capital stock.

Price of stock.

§ 10. The President and Directors shall cause a full and detailed account of the transactions of the company to be made on the 1st day of May, in each year, and a copy furnished to each stockholder whose residence is known to them, and also a full and detailed account at each meeting of the stockholders.

Annual reports.

§ 11. That any four Directors shall constitute a meeting of the board, and in the absence of the President choose a President *pro tem.*, and transact all necessary business of the corporation.

§ 12. The said corporation shall be limited to the purchase and improvement of said Springs, and the necessary accommodations of the public at the same, by themselves, their agents, or tenants, with the real and personal estate necessary for that purpose, and the corporate powers necessary to effect the same.

Limit of powers.

§ 13. This act to take effect from and after its passage.

Approved February 13, 1858.

#### CHAPTER 442.

AN ACT to incorporate the Russellville and Clarksville Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company shall be and is hereby incorporated, to construct a road from Russellville, in Logan county, and near to or through Volney, in said county, and near to or through Allensville and Haydensville, in the county of Todd, to the Tennessee line, in direction to Clarksville, in the State of Tennessee, by the name and style of the "Russellville and Clarksville Turnpike Road Company," and by that name may sue and be sued, may plead and be impleaded, contract and be contracted with, and have and use a common seal; and alter, and amend or renew the same at pleasure.

1858.

§ 2. That the capital stock of said company shall be forty thousand dollars, (with the privilege of increasing the same to sixty thousand if necessary,) in shares of fifty dollars each.

§ 3. That A. F. Long, Geo. T. Edwards, and R. C. Bolling, of the town of Russellville; David King, Robert Browder, E. O. Hawkins, and E. W. Hughes, of the county of Logan; and Jas. Small, Coleman Gill, James B. Bibb, Geo. Snoden, and Francis Duffy, of the county of Todd, are hereby appointed Commissioners, whose duty it shall be to open books for the subscription of stock at such times and places as they may deem proper. And the said Commissioners shall have power and authority to appoint one or more agents to open books and receive subscription of stock, at any time or place they may designate. In case said persons shall refuse to act from any cause whatever, the County Courts of Logan and Todd shall, from time to time, fill up any vacancy, or appoint some person in place of such one or more of the Commissioners who shall or may fail to act. The said Commissioners shall give notice of the time and place when and where books are to be opened for the subscription of stock in said company.

§ 4. That so soon as two hundred shares shall have been subscribed in said capital stock, by individuals and companies, the Commissioners shall give ten days notice in some newspaper printed in Russellville, and Clarksville, of the fact, and appoint a time and place for a meeting of the stockholders in the town of Volney, who shall, by vote or proxy, elect a President and five Directors, to conduct the business of said corporation, by the style aforesaid. The President and Directors, and all other officers of said company, shall severally take an oath before some Justice of the Peace faithfully to discharge the duties of their respective offices; they shall, so soon as may be, proceed to have said road located from Russellville to the Tennessee state line near Graysville, or any portion thereof, and commencing at any point so as to make a continuous road when completed, in addition to the road now completed from the Tennessee line to Clarksville; and are hereby authorised to receive the written consent of all and any landholder through whose or near whose lands the said road may pass, and the grant of the right of way, lumber, stone, and soil, to make said road, and to keep the same in repair, which consent, when so given, shall be valid to every intent and purpose.

§ 5. That said road shall be opened at least thirty feet and shall be graded to an elevation not exceeding degrees, at least fifteen feet wide at the bottom of said road, where the ground will permit the said width and grade.

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§ 6. That when the said road shall be opened and graded, for any distance thereof equal to five miles, it shall be lawful for said company to erect a gate or gates upon the same, and collect thereat, for the travel on said road, one-half of the rate of toll authorized to be collected by the charter of the Clarksville and Russellville Turnpike Road now finished in the State of Tennessee, and at the same rates for any greater distance of said road as soon as the same shall be opened and graded, as aforesaid; and whenever the said road shall be paved with stone or McAdamized with stone or hard gravel at least fifteen feet wide, then this company shall have the right to charge the same toll that said Clarksville and Russellville road company is entitled to for so much of said road as may be completed in Tennessee.

§ 7. The President and Directors shall have power, and are hereby authorized, to let to contract any portions of said road, and to proceed by law, when they or a majority of them shall deem it expedient, to collect the amounts subscribed as capital stock in said road, at such times, and in such payments, as they may call, for the purposes of this charter, or as they may regard as necessary for the completion of said road, or for the survey and location of the same, or any portion thereof necessary for a connection with the said Clarksville and Russellville Tennessee Company.

§ 8. That said company shall be allowed eight years after the whole amount of stock shall be taken and subscribed, to complete the said road, and if the same shall not be completed in that time then this charter shall be void and forfeited for so much of said road only as may not be completed, and no more.

§ 9. The President and Directors shall have power under this charter to take any stone, soil, or lumber, which may be necessary for the construction of said road, by allowing fair compensation for the same, in way of damage, to be assessed by a jury summoned and empanelled under the laws in such cases provided.

Approved February 13, 1858.

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#### CHAPTER 445.

AN ACT for the benefit of Miles Kash, Administrator of Wm. Adams, deceased, of Morgan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Miles Kash, administrator of William Adams, deceased, is allowed the further time of two years, to list and collect the fee bills coming to the estate of said Adams, subject to all the laws now in force for issuing and col-

1858. lecting illegal bills. This act to take effect from and after its passage.

Approved February 13, 1858.

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#### CHAPTER 447.

**AN ACT to change the place of voting in the Mount Eden district, in Spencer county.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the place of voting in the Mount Eden precinct, in Spencer county, be and the same is hereby changed from the town of Mount Eden to the house of Joseph Nation. This act to take effect from and after its passage.

Approved February 13, 1858.

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#### CHAPTER 448.

**AN ACT for the benefit of R. N. Winn and the Lexington and Big Sandy Railroad Company.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the sale of real estate within or adjoining the limits of the town of Winchester, heretofore made by the Lexington and Big Sandy railroad company to Robert N. Winn, of Clarke county, and the conveyance made or to be made to him therefor, shall be legal and valid to pass all the right, title, and interest of said railroad company in and to said real estate. This act to take effect from its passage.

Approved February 13, 1858.

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#### CHAPTER 449.

**AN ACT to create the offices of Police Judge and town Marshal in the town of West Point, Hardin county.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the offices of Police Judge and town Marshal are hereby created and established in the town of West Point, Hardin county. That they be elected on the 1st Monday in August, 1858, in the same manner and for the same term, possess the same jurisdiction, subject to the same liabilities, and entitled to the same compensation, as provided in an act creating the same offices in the town of Lewisport, Hancock county, approved March 10th, 1856.

Approved February 13, 1858.

## CHAPTER 450.

1858.

AN ACT to authorize Luke Howlett to erect a dam and trap across the Rolling Fork.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Luke Howlett be and he is hereby authorized to build a fish dam and trap across the Rolling Fork on or adjacent to land owned by him: *Provided*, he gets the consent of the owners of the land if the dam and trap be erected on land not his own: *Provided*, said dam and trap be not over three feet high: *And, provided further*, that the County Court of Bullitt county may cause him to remove said dam and trap whenever it may be found that they are injurious to the navigation of said stream, or otherwise.

Approved February 13, 1858.

## CHAPTER 451.

AN ACT to modify the charter of the Trigg Academy

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Trustees of the Trigg Academy, in Trigg county, and their successors in office, are hereby required to report annually, to the Judge of the Trigg Circuit Court, all the accounts of said institution, together with a general statement of its affairs, and the manner in which they have discharged their duties; and on their failure to do so, each of said Trustees in default may be fined by the Judge of said court, on motion of the attorney for the Commonwealth of said circuit in any sum not exceeding fifty dollars.

§ 2. That on the first Monday in August, 1858, and every four years thereafter, an election shall be held, by the qualified voters of Trigg county, of five Trustees for the Trigg Academy, who shall be Trustees of said institution in lieu of the Board of Trustees now in office, and shall hold their office until their successors are duly elected and qualified. Said elections are to be held in the same manner as those of the County Judge.

§ 3. The Trustees to be elected under the provisions of this act shall, before they enter into office as such, take oath before competent authority, that they will faithfully perform their duties as Trustees of the Trigg Academy. They shall have power to fill any vacancy or vacancies which may occur in their board, by reason of death, resignation, or removal of any Trustee or Trustees; and the persons who may fill offices thus vacated shall hold their offices as Trustees until the election of a new board.

§ 4. The said Trustees shall elect from their own number a President, Secretary, and Treasurer; and they may

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require bond with security from the officer last named, conditioned for the faithful performance of his duties.

§ 5. The said Trustees shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, for the benefit of said institution; and to ordain by-laws for its management and government, not inconsistent with the constitution of this State or of the United States.

§ 6. The Legislature reserves the right to repeal or amend this act at any time hereafter.

Approved February 13, 1858.

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#### CHAPTER 452.

AN ACT directing the School Commissioner to divide school district No. 22, of Trigg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the School Commissioner of Trigg county be directed to divide school district No. 22, and that he report the same to the Superintendent by number, and organize the same as the law now directs in such cases, and that S. A. Nance and Joseph Ledford be added to the new district thus made: *Provided however,* That this act shall not effect any session already in operation under the Trustees of said district.

Approved February 13, 1858.

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#### CHAPTER 453.

AN ACT establishing an additional voting place and Justices' District in Wayne county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That another voting precinct be added in the county of Wayne, on the waters of the Big South fork, and the same is bounded as follows, viz: Beginning at Joseph Bell's, Sr., on Rock creek, including him and his farm; thence the top of Rock creek hill, including Eli Phipps and Douglass Winchester; thence to John Dobbs, Sr., including him; thence to Benjamin Burks, including him; thence to the mouth of Allum creek, on the Big South fork, including John Jones and Harrison Jones; thence with the meanders of the Big South fork up to the Tennessee line; thence with said line, including Berry Hill and Rueben Slavens' farm, Benjamin Smith and John Smith; thence to the beginning, Harrison Bell's.

§ 2. That the above boundary shall constitute a Justices' district; and it shall be the duty of the Presiding

Judge of the Wayne County Court to appoint officers to hold an election for two Justices of the Peace and one Constable at George W. Dobbs' new storehouse, for said district, at the time of the next general election, and said officers shall also conduct the election of officers who may be voted for at the said general election.

§ 3. That George W. Dobbs' new storehouse is hereby established as a voting place for the above voting precinct, subject to be changed by the Presiding Judge upon a petition of a majority of the legal voters of the precinct.

Approved February 13, 1858.

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CHAPTER 454.

AN ACT to change the place of voting in Precinct No. 5, in Nelson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the place of voting in Precinct No. 5, in Nelson county, be and the same is hereby directed to be held at the house of Elisha A. Liter, in Deatsville, instead of the house heretofore used. This act to take effect from and after its passage.

Approved February 13, 1858.

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CHAPTER 455.

AN ACT for the benefit of A. L. Offutt, late Sheriff of Scott county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That A. L. Offutt, late Sheriff of Scott county, be and he is hereby allowed the further time of two years, from and after the passage of this act, to settle up the unfinished business in his hands ; that he be allowed to collect all taxes, muster fines, and fee bills in his hands, or his own fee bills ; that he may distrain for the same, or may put them into the hands of any other officer or officers for collection ; but is to be responsible, as any other Sheriff, for any illegal acts : *Provided*, that before he shall be entitled to the benefits of this act he shall execute a bond with good security, before the Clerk of the Scott county court, conditioned to pay all damages and costs that may be incurred by reason of any illegal act.

Approved February 13, 1858.

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## CHAPTER 456.

AN ACT for the benefit of the Clerk of Boyle Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the further time of two years be allowed the Clerk of the Boyle county Circuit Court to issue his fee bills for former services rendered by him as such, and which, when so issued, shall have the same force and effect, and be so collectable, as if issued within the time prescribed by law: *Provided*, that before he exercise the power given by this act he shall execute bond, with good security, to be approved by the Clerk in the Boyle county Court Clerk's office, conditioned for and binding him to observe and comply with the laws of this State concerning the issuing and collecting fee bills.

Approved February 13, 1858.

## CHAPTER 457.

AN ACT to establish a State Road from Eddyville to Paducah.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John Kelley and Joshua Hammond, of Lyon county; D. G. Hurley and R. S. Boyd, of Livingston county; Samuel B. Caldwell, and Job Watson, of McCracken county, be and they are hereby appointed Commissioners, (any three of whom may act,) to view and mark out the nearest and most practicable route for a State road, thirty feet wide, from Eddyville to Paducah, by the way of Ross's ferry, and shall make their report, upon oath, to their respective County Courts, on or before the 1st day of June, 1858, whose duty it shall be, on the reception of said report, to cause an order to be issued for the opening of the same, and allot them a sufficient number of hands to open the same—said road to be opened thirty feet wide, all timber taken out, stumps not to be more than twelve inches above the surface of the ground.

§ 2. That if any person or persons through whose lands the said road may pass shall object to the same, the County Court in which said land may lie shall cause to be summoned a jury of twelve free holders of their county, whose duty, after being first duly sworn to assess the damages that would accrue to said individual from the establishment of said road through his, her, or their lands, and the sum so assessed shall be paid out of the county levy of the county in which said land may lie, and the county courts are hereby authorized to levy a sum sufficient to cover all sums that may be assessed as aforesaid, together with costs.

§ 3. That the Commissioners aforesaid shall receive one dollar and fifty cents per day whilst engaged in running and marking out the same, to be paid out of the county levy as aforesaid.

§ 4. That in no instance shall the County Courts of said counties be compelled to pay damages, when it is over one hundred dollars, unless it should to them seem advisable.

Approved February 13, 1858.

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#### CHAPTER 458.

AN ACT to establish an additional Justices' District and election precinct in Morgan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional Justices' District and election precinct be and the same is hereby established in Morgan county, with the following boundary: Beginning at the mouth of Little Still water; thence up Still water, with its meanders, to the forks between David Rose's and Squire Swango's, to the Fork point; thence with the Fork point to the Breathitt county line; thence with the line between Breathitt and Morgan counties to the line between Morgan and Powell counties; thence with the Morgan and Powell line to where it crosses Red river; thence up the river to the beginning.

§ 2. That an election for two Justices of the Peace and one Constable for said district shall be held therein at Swiftsville, at the next election held in said county for Justices of the Peace; and the County Judge of said county shall appoint the proper and necessary officers to hold and conduct said election; and it shall be the duty of the Sheriff of said county to attend and superintend said election, and in all respects said election shall be held and conducted as other elections are required by law to be conducted.

§ 3. That the district hereby established shall be a voting place at all elections hereafter held in said county, and Swiftsville shall be the voting place therein; and elections in said district shall be in all respects conducted as in other election precincts and places of voting in said county.

§ 4. That after the first election held in said precinct the comparison of the polls and returns to the Secretary of State shall be made as now required by law in general elections. The Justices elected shall be commissioned, and they and the Constables elected shall hold their offices, respectively, until the next general election of Justices and Constables, and until their successors are duly qualified. This act to take effect from and after its passage.

Approved February 13, 1858.

## LAWS OF KENTUCKY.

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## CHAPTER 459.

AN ACT to amend an act, entitled, an act in relation to a new road in Lewis and Carter counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That for all taxes and arrearages of taxes which have been assessed by virtue of an act, entitled, "an act in relation to a new road in Lewis and Carter counties, approved March 9, 1854," the persons against whom the same have been assessed shall have the further time of one year from and after the passage of this act in which to pay the same, and the Sheriff or other collecting officer shall not proceed to collect the same until after the expiration of the said year.

Approved February 13, 1858.

## CHAPTER 460.

AN ACT to amend an act to incorporate the Peoples Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled, an act to incorporate the Peoples Turnpike Road Company, approved January the 7th, 1852, be amended as follows: That Francis L. Gorden, Lewis C. Conner, Gabriel J. Gaines, William Collins, Lewis Webb, Wm. Rouse, Benjamin Craven, Henry F. James, Samuel Stockwell, Cyrus Reddell, and B. W. Chamblin be appointed Commissioners to open books for the subscription of stock for and instead of the Commissioners named in said act; and said original act is hereby revived and continued in force; and so much of said act to which this is an amendment, as relates to the time within which the work on same shall be commenced, be and the same is hereby repealed.

Approved February 13, 1858.

## CHAPTER 461.

AN ACT to incorporate the Manchester Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporate name  
and style.

§ 1. That a company be and is hereby created, under the name and style of the "Manchester Turnpike Road Company," for the purpose of constructing a McAdamsized turnpike road in the county of Fayette, from a point on the Lexington and Versailles turnpike road, at or near the line between the farms of D. M. Payne and Mrs. George Keen, and thence in the general direction of the

Redd's road, on the most practicable route, to the point where the Redd's road crosses the Woodford county line between the farms of Albert Allen and Wm. Patrick.

§ 2. The capital stock of said company shall be twelve thousand dollars, divided into shares of one hundred dollars each.

§ 3. A book for the subscription of stock in said company, under the direction of A. O. Redd, John Allen, James Patrick, Isaac Vanmeter, and Charles Neal, as Commissioners, any one or more of whom may act, and procure a book in which the subscribers to the stock of said company shall enter into the following obligation, to-wit: "We, whose names are hereto subscribed, do respectively promise to pay to the Manchester Turnpike Road Company, the sum of one hundred dollars for each and every share of stock in said company set opposite to our names, in such manner and proportions, and at such times, as shall be required by the President and Directors of said Company," which obligation may be enforced in the proper courts.

§ 4. The book of subscription shall remain open until the whole capital stock, or enough to complete the road shall have been subscribed.

§ 5. So soon as fifty shares shall have been subscribed it shall be the duty of the Commissioners, or some one of them, to give notice of a meeting of the stockholders of said company, in the city of Lexington, for the purpose of choosing officers, which notice shall be put up at three of the most public places on the contemplated road for at least ten days before the meeting; and at said meeting at least two Commissioners shall be present and, superintend and conduct the election. There shall be elected a President and five Directors, who shall hold their office one year, and until their successors shall be duly elected and qualified. At all elections the stockholders shall be entitled to one vote for each share of stock held. The President and Directors shall take an oath before some Justice of the Peace, that they will faithfully discharge the duties of the respective offices, without favor or affection, according to the best of their judgment; and upon the election and qualification of the President and Directors of said company the stockholders thereof shall become a body politic and corporate, by the name and style of the "Manchester Turnpike Road Company;" and by that name shall have perpetual succession, contract and be contracted with, sue and be sued, and have all the powers conferred by the Revised Statutes on turnpike road companies incorporated according to its provisions.

§ 6. That the provisions of an act, entitled, an "act to incorporate the Parkers' Mill Turnpike Road Compa-

1858.

Capital stock.

Commissioners.

Books to be kept open.

When company to be organized.

Another charter made part of this.

1858.May erect gate.

ny," approved March 10, 1854, from section seven to twenty inclusive, shall apply to the corporation hereby created.

§ 7. That the President and Directors shall be authorized to erect a gate at or near each termination of their road, or may erect one gate at any other point on the road and collect toll of all persons using said road for the distance they may travel upon it, although the length of the road shall be less than five miles.

Approved February 13, 1858.

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#### CHAPTER 462.

AN ACT for the benefit of Alexander C. Lindsey.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of this Commonwealth be authorized and directed to draw his warrant on the Treasurer for the benefit of Alexander C. Lindsey, for the sum of twenty dollars, which it appears said Lindsey has been overcharged by the Judge of the County Court of Hancock county for revenue purposes.

Approved February 13, 1858.

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#### CHAPTER 463.

AN ACT regulating the duties of the Sheriff of Warren county in regard to Railroad tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That it shall be the duty of the Sheriff of Warren county to pay over the taxes which he is required to collect in said county, for the purposes of the Louisville and Nashville Railroad Company to the Commissioners of the Sinking Fund in said county, at the same time that he is now required to pay the public revenue into the State Treasury; and in case of his failure so to do the said Commissioners may institute suit therefor against him in the Warren Circuit Court; and said Sheriff, in case of failure to pay over said taxes, shall be liable to the same penalties as in case of failure to pay over the State revenue.

Approved February 13, 1858.

## CHAPTER 464.

AN ACT to make an additional voting precinct in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of Cross Roads and Lower Ponda precincts as are contained in the following boundary, viz: Beginning at Elk Lick, on the Bullitt county line; thence in a northerly direction with the top of the Pine Knob, so as to include A. K. Lochery's farm; thence in a straight line west to the Ash Pond; thence with said Pond to the old Pond creek bridge crossing the said Pond so as to include the farm of Henry Hartledge; thence with the Bear Camp county road to Penial church; thence with said road to the Bullitt county line; thence with said county line to the place of beginning, be and hereby is constituted and established as a voting precinct, to be known as Mount Holly Precinct—the voting place to be at the house of Wm. Woods, on the county road. This act to take effect from and after its passage.

Approved February 13, 1858.

## CHAPTER 465.

AN ACT creating an additional voting place in district No. 3, in Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional voting place is hereby established in district No. 3, (Fairview district,) in Todd county, at A. Browning's tan yard in said county.

§ 2. That the additional voting place in said district shall be at the office of said Browning, or some other house on his premises, until otherwise altered by law.

§ 3. That it shall be the duty of the County Judge of said county to appoint judges and other officers to conduct the elections at said voting place, as he is required by law to do for other voting places in said county, and that the officers holding elections at said voting place shall be governed in all respects by the law now in force in this Commonwealth applicable to officers conducting elections in the respective districts in said county.

Approved February 13, 1858.

1858.

1858.

## CHAPTER 466.

AN ACT to incorporate the New Liberty Branch Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Corporator's  
names and style

§ 1. That Dr. Robert Gale, Granville Garnett, James Gale, George Garvey, Scott Bond, Thomas Gale, Charles Bond, and William Garnet, and their associates and successors, be and they are hereby incorporated, under the name and style of the "New Liberty Branch Turnpike Road Company," by which title they shall have all the powers, responsibilities, and capacities of a body politic and corporate, in all the courts of this Commonwealth and elsewhere.

Capital stock.

§ 2. That the capital stock of said company shall be five thousand dollars, in shares of twenty-five dollars each, which shall be subscribed for and paid in such manner as the above mentioned persons shall designate, and applied to the construction of a turnpike road from the town of New Liberty, in Owen county, to an intersection with the Owenton and Warsaw turnpike at or near the farm of Granville Garnett; the grade of said road to be at least twenty feet in width, and covered with McAdamized stone for at least nine feet of width, and nine inches, deep, and no elevation to exceed five degrees.

When company  
to be organized.

§ 3. That whenever three thousand dollars of said stock shall have been subscribed the persons named herein, or a majority of them, shall call a meeting of said stockholders, giving at least ten days notice thereof, by written advertisements in the town of New Liberty; and at such meeting a majority of said stockholders, constituting a quorum, shall proceed to elect five Directors, who shall hold office for the term of one year, or until their successors be in like manner elected; and said Directors may elect a President, Treasurer, and such other officers as they may deem expedient; and the said Directors shall have power to survey and locate and contract for the construction of said road, in such manner, on such terms, as to cost and manner and time of payment, as they may deem fit; and for the purposes of such construction, and the maintenance and repairs of said road, may enter upon and excavate any earth or stone, and proceed to acquire any right of way, either by donation, voluntary contract, or against the will of the owner thereof, in such manner and at such cost as may be assessed under the laws of this Commonwealth in such cases made and provided.

Gates to be  
erected, rates of  
toll, &c.

§ 4. That said company shall be entitled, when said road shall have been completed, to charge a rate of tolls for traveling thereon not exceeding two cents per mile for each horse or mule, and a like sum for each wheeled carriage, cart, or wagon; one cent per mile for cattle,

and two mills per mile for sheep and hogs: *Provided*, That droves of horses, mules, or cattle shall not be charged more than half these rates; and for the purpose of collecting such tolls said company shall have power to erect one gate across said road, at such point as they may deem fit.

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§ 2. This act shall take effect from its passage.

Approved February 13, 1858.

## CHAPTER 467.

AN ACT to incorporate the Hopkinsville, Newstead, and Linton Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company shall be and the same hereby is created and established, under the name and style of the Hopkinsville, Newstead, and Linton (or Shipsport) Turnpike Road Company, for the purpose of making a road from Linton, (or Shipsport) to Hopkinsville, by way of Newstead.

§ 2. The capital stock of said company shall be ten thousand dollars, to be increased as the Board of Directors may deem necessary for the completion of said road. Said stock shall be divided into shares of fifty dollars each.

§ 3. Books for the subscription of stock in said company shall be opened at any time after the passage of this act, at such times and places most convenient, under the direction of the following Commissioners, to-wit: L. L. Lindsey, J. C. Whitlock, R. G. Henry, William Richardson, and J. J. Roach, any three of whom may act; and they shall open a book for the subscription of stock, as above named, and the subscribers to the stock of said company shall enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, do promise to pay the President, Directors, and company of the Hopkinsville, Newstead, and Linton Turnpike Road Company, in Christian and Trigg counties, the sum of fifty dollars for each share of stock which we set opposite to our names, in such manner and proportion, and at such times, as shall be required by the President and Directors of said company." Which said amount shall be collected in the proper courts.

§ 4. When the amount of two thousand dollars shall have been subscribed the Commissioners, or a majority of them, may, if deemed expedient, proceed to finish the organization of said company by giving two weeks notice of the time and place when an election shall be held for a President and Directors of said road, which election

Name and style.

Capital stock.

Commissioners,  
etc.When company  
to be organized.

1858.

shall be held, and the voting regulated, by the regulations and rules allowing and regulating the election of President and Directors in the Lexington, Versailles, and Frankfort Turnpike Road Company; and when the election is held the President and Directors, thus elected, who shall be five in number, shall thereafter manage and conduct the affairs of this said company, under the style of the "Hopkinsville, Newstead, and Linton Turnpike Road Company," by which name they shall be a body politic and corporate, in fact and in law, and by that name shall have perpetual succession, and shall have all the privileges and franchises incident to the Lexington, Versailles, and Frankfort Turnpike Road Company; and they may keep open the books of subscription, and receive further subscription, until all their stock (necessary to the completion of this said road) be taken.

*Grade of road, &c.* § 5. Said President and Directors shall fix and regulate the elevation, not less than four degrees, and grade of said road not less than four degrees; the width of the part thereof to be covered with stone to be not less than fifteen feet; shall designate the places for the erection of gates, and shall have power to erect one or more toll-houses, and to charge half toll when two and a half continuous miles of said road shall have been completed; proportionable toll may be taken.

*Powers, &c.* § 6. That so soon as the company is organized the President and Directors shall possess all the power, authority, rights, privileges, and shall and may do all acts and things necessary for carrying on and completing said turnpike road, as well as laying out and locating the same; shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures (if any,) and be entitled to like tolls and profits as are given and granted to the Lexington, Versailles, and Frankfort Turnpike Road Company by amended act approved February 14th, 1835, and all the provisions of said act are hereby received and made a part thereof, except so far as they are local in their application: *Provided also*, That the Treasurer of this company shall only be required to execute bond in such surety and penalty as the President and Directors may prescribe; and that the work on said road shall commence in good faith on or before the first day of January, 1860.

*Another charter  
made part of  
this.*

§ 7. This act to take effect from its passage.

Approved February 13, 1858

## CHAPTER 468.

AN ACT to incorporate the Liberty and Russell Springs Turnpike Road Company.

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*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby created and constituted a body politic and corporate, under the name and style of the "Liberty and Russell Springs Turnpike Road Company," with a capital stock of thirty thousand dollars, which may be increased, if necessary, to forty thousand dollars, to be divided into shares of fifty dollars each, for the purpose of making an artificial McAdamized gravel turnpike or plank road from Liberty, Casey county, to the Russell Springs, Russell county; and by that name shall be competent to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts in this Commonwealth; with power to acquire, hold, possess, use, and occupy all such real and personal estate as may be necessary and convenient for the site or route of said road, for piers and abutments of such bridges as may be required on said road, and lots for toll houses and residences for gate keepers on said road; also, all necessary stone, gravel, sand, earth, and timber necessary for the construction and repair of said road; and to have and use a common seal, and alter or renew the same at pleasure; to make and ordain all such by-laws, rules, and regulations as may be necessary for the construction and repair of said road, and the management of its prudential and financial concerns, not contrary to the constitution of this State or of the United States.

§ 2. That the width of said road shall not at any point where it will admit of it, be less than twenty-five feet, and the metal, gravel, or plank part not less than twelve feet wide.

§ 3. That Robert Carson, Charles Tate, Joel Murphy, Doctor Pelly, Daniel Thomas, Joel Sweeney, Winston Bowman, C. R. Coffey, and Hiram Thomas, of Casey county; Wm. S. Patterson, William F. Patterson, John Webb, Manson Cartwright, and Benjamin McFarland, of Russell county, be and they are hereby appointed Commissioners to open books for the subscription of stock aforesaid, at such times and places as any two or more of said Commissioners in each county may deem expedient; and the subscribers to the stock of said company shall enter into an obligation as follows, in the books of said Commissioners: "We, whose names are hereunto subscribed, do respectively promise to pay to the President and Directors, of the Liberty and Russell Springs Turnpike Road Company, the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportion, and at such times as the President and Directors of said company may from time to time require. Witness our hands, this — day of —, 185—."

Name and style.

Capital stock.

Corporate pow-  
ers.Width of road,  
etc.

Commissioners.

Obligation.

1858.

When company  
to be organized.

§ 4. So soon as five thousand dollars is subscribed the Commissioners may give notice, in writing, and proceed to organize by the election of a President and six Directors, who shall hold their office for one year, and until others are elected and duly qualified. That said President and Directors, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That upon the qualification of the President and Directors they shall appoint a Treasurer and Secretary, and such other officers as they may think necessary, who shall hold their office for one year and until others are appointed. The Treasurer of said company shall, before he enters on the duties of his office, give bond with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of money in his hands to the order of the President and Directors, and that he will perform the duties required of him by the company.

May build  
bridge, &c.

§ 5. That said company shall have power to build a bridge across Green river, at the point at which said road shall cross, which shall be separate and distinct from said road, and when finished may charge toll not exceeding the rates paid at any other bridge across said river. That when five miles of said road, at either end, shall be properly leveled and graded, said company may erect gates and charge half toll thereon.

Charter of Dan-  
ville and Hus-  
tonville road  
made part of  
this.

§ 6. That the provisions of an act, approved March 1st, 1844, to incorporate the Danville and Hustonville Turnpike Road Company, from the fifth to the thirty-fifth section of said act, and which is not inconsistent with this act, be and the same is hereby adopted and made part of this.

§ 7. This act to take effect from and after its passage.

Approved February 13, 1858.

## CHAPTER 469.

AN ACT to authorize the citizens of Daviess county to vote on a proposition to levy an additional tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Vote to be taken

§ 1. That the Sheriff of Daviess county is hereby authorized and directed to open a poll, at the next general elections to be held in said county, for the voters of said

county to vote on a proposition to authorize the County Court of said county to levy a tax of five cents on each one hundred dollars with of property in said county, and an additional poll tax on each tithe in said county of fifty cents, for the purpose of raising a sum sufficient to complete the public buildings in said county.

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§ 2. It is hereby made the duty of the Sheriff of said county to advertise, by posting written notice at each voting place in said county, that such poll will be opened for the purposes aforesaid—said notices to be posted at least fifteen days before the election.

Duty of Sheriff.

§ 3. If a majority of the citizens voting at the election shall vote in favor of the proposition, then it shall be the duty of the County Court at the next succeeding term of said court to levy said tax, which is to be collected by the Sheriff of said county under the same regulations now provided by law for the collection of the revenue tax and county levy.

If majority vote  
for it, tax to be  
levied.

§ 4. The County Court of said county may require of the Sheriff additional bonds to cover the collection and payment of said taxes, and said court may order the collection of said tax at such time as they may think proper.

Court may re-  
quire bond of  
Sheriff.

Approved February 13, 1858.

## CHAPTER 470.

AN ACT to incorporate Duderar's Mill Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company shall be formed, under the name and style of the 'Duderar's Mill Turnpike Road Company.'

Name and style.

§ 2. The capital stock of said road shall be six thousand dollars, to be divided into shares of fifty dollars each; and if it shall be found that the capital stock is not sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such amount as they may deem necessary for the completion of said road, and open subscription therefor in such manner as they may think proper.

Capital stock.

§ 3. That books for the subscription of stock in said company shall be opened on the first day of March, or as soon thereafter as convenient, in Stanford and at Duderar's Mill, under the direction of Lewis Duderar and Jesse Cook, who are appointed Commissioners. Books shall be opened, and subscribers of stock shall enter into an obligation in said books, to pay the sum subscribed by each respectively. Notice shall be given, by advertisement posted in Stanford and at Duderar's Mill, of the opening of the books.

Commissioners.

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When company  
to be organized.

§ 4. So soon as four thousand dollars shall be subscribed the Commissioners shall call a meeting of stockholders, and hold an election for President and four Directors, who shall hold their office for one year; and the Commissioners may, in the books opened by them, take the relinquishment of land holders for the right of way for said company.

Width of road  
grade, &c.

§ 5. The grade and width of the road to be determined by the President and Directors, and also its location; and if the right of way cannot be procured by purchase the Judge of the Lincoln County Court shall have all the power and jurisdiction to open and establish the road for the company that he now has, upon the application of an individual, and shall proceed in the same way to ascertain the damages to individuals, with the right of appeal to the Circuit Court and Court of Appeals, as in the establishing of county roads: *Provided*, That the gravel or McAdamized stone shall be at least fifteen feet wide, and the grade not over four degrees.

County Court  
may take stock.

§ 6. The County Court of Lincoln county, a majority of the Justices of Peace concurring, may subscribe stock in said road not to exceed five hundred dollars per mile for each mile of said road, and at that rate for the fraction of a mile, if any.

Rates of toll.

§ 7. When said road is completed the President and Directors shall fix the rate of toll on said road, not however to exceed the rate now paid upon the other similar turnpike roads of this State.

Approved February 13, 1858.

## CHAPTER 471.

AN ACT to authorize the County Court of Washington to sell Washington County Seminary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the County Court of Washington be and is hereby authorized and empowered to sell the grounds and house of the Seminary of said county; and said court may appoint a Commissioner for this purpose; sale to be at public auction, on a credit of twelve months, with interest from date, the purchaser executing bond with good security for the purchase money, having the force and effect of a replevin bond, and retaining a lien on the property to further secure its payment to the Commissioner for the benefit of said County Court of Washington; sale to be made on the premises; time and terms of sale to be advertised for at least thirty days, by printed advertisements posted up at four or more public places in Washington county, one of which to be posted on the court house

door in Springfield; the proceeds of such sale to be at the disposal of the said County Court for educational purposes.

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Approved February 13, 1858.

### CHAPTER 472.

AN ACT to incorporate the town of Bledsoe.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Bledsoe, in Fulton county, is hereby incorporated with the following boundaries: Beginning at the corner of Ivy street and Second street, running south to Holly street; thence with Holly street east to Fourth street; thence with Fourth street to the, boundary line of the town of Hickman; thence with said line to the beginning.

§ 2. There shall be five Trustees elected in said town, who shall, before they enter upon the discharge of their duties, take an oath before some Justice of the Peace of said county that they will faithfully and impartially discharge the duties of the office aforesaid. That said Trustees, and their successors, shall be a body politic and corporate, and shall be known as the "Board of Trustees of the Town of Bledsoe," and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering and being answered, in all courts of this Commonwealth.

§ 3. That there shall be elected for said town a Police Judge and Town Marshal; and all persons in said town who are, under the laws of this Commonwealth, qualified voters, shall be competent electors for Trustees, Police Judge, and Marshal of said town. The Police Judge shall be elected at the same time at which the Presiding Judge of the Fulton County Court shall be elected, and hold his office for the same length of time as said Presiding Judge shall hold his office. The Town Marshal shall be elected at the same time, and his term of office shall be the same as the Sheriff of Fulton county. The first elections for the offices of Police Judge, Town Marshal, and Trustees of said town shall be held on the first Monday in August 1858, and to hold their offices for the time as before provided, and till their successors are qualified. In case of vacancy in either of said offices they shall be filled by an election to be held for that purpose, ten days notice thereof having been given by publication in some newspaper in said county.

§ 4. That before the Police Judge enters upon the discharge of the duties of his office he shall receive a com-

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mission from the Governor, which shall be given upon the Trustees of said town certifying to the Governor that he has been legally elected to said office; he shall take an oath the same as County Judges are required by law to take; said Police Judge shall have jurisdiction in all cases, civil, criminal, and penal, which may occur within the limits of said town, the same as conferred by law on the Justices of the Peace, and shall have jurisdiction of all cases arising under the by-laws of said town. The time of the holding of his courts shall be fixed by the Trustees of said town. He shall keep a true and just record of all proceedings before him, and shall be allowed like fees as Justices of the Peace, or the same may be regulated by the by-laws.

§ 5. The said Trustees shall have power over the streets, alleys, and side-walks of said town, and may direct the improvement of the same in such manner as they may deem most beneficial to said town. They shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth; they shall have power to levy and collect a tax upon the property in said town, and upon the tithes in said town, not exceeding one dollar on each one hundred dollars worth of property in said town, and not exceeding one dollar on each tithe in said town, to be applied to the improvement of the streets, alleys, side-walks in said town, or other improvements necessary in said town; they shall have power to tax auction sales, shows, and exhibitions, such sums as they, in their by-laws, may fix; they shall have power to suppress tippling houses, and to fine all those who may violate their by-laws in relation thereto, any sum not exceeding thirty dollars for each offense, to be recovered before the Police Judge of said town; they shall have power to regulate the market, and appoint all officers needful therefor. That it shall be the duty of said Trustees to appoint a Treasurer, Clerk, and such other officers as they may deem necessary, and take bonds, securities, &c.; and for a violation of duty on the part of any of such officers, motions may be made, or suits brought, before any tribunal having jurisdiction thereof; and a majority of the Trustees may, for proper cause, remove any officer, and appoint others in his or their stead. A majority of said Trustees shall constitute a board. That it shall be the duty of the said Treasurer and Clerk to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of the said Treasurer to render an account to said Trustees of all moneys received and paid out by him, whenever by them required so to do.

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§ 6. That it shall be the duty of said Trustees to appoint one of their body chairman of the board, and no money shall be drawn from the Treasurer except by the order of, said chairman, made in pursuance of an allowance made by said board.

§ 7. That upon all judgments rendered by said Police Judge either party shall have the right of appeal, in the same manner as parties have from the judgments of Justices of the Peace.

§ 8. The Marshal shall serve all process and precepts to him directed by said Police Judge, and make due returns thereof; collect all taxes assessed in said town, executions, and other demands which may be put in his hands to collect, and account for and pay over the same to the persons entitled thereto, under the same rules and regulations required by law of Sheriffs in the collection of taxes, and of Constables in the collection of executions or other demands; and on failure to discharge any of the duties required of him shall be subject to the same proceedings which may be had against Sheriffs and Constables in similar cases; said Marshal shall be entitled to the same fees for collecting the town tax that Sheriffs are entitled to for collecting the county levy, and in all other cases the same fees that are allowed to Constables for similar services: *Provided*, That said Police Judge shall have power to direct his process to any Constable of Fulton county; and said Marshal shall have and possess the same powers given to Constables in all cases cognizable before said Police Judge: *And, provided further*, That said Marshal shall have the power to execute all such process which may be directed to him, from any Circuit or Quarterly Court, and return the same, in the same manner that Sheriffs execute and return the same; and for any failure upon his part to execute and make due return of all process thus directed to him, from said courts, said Marshal shall be subject to the like penalties as Sheriffs are for a failure of duty in similar cases.

§ 9. All fines and forfeitures, in cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of said board, for the use and benefit of said town, any laws to the contrary notwithstanding. All moneys collected by a judgment of a Justice of the Peace, for any violation of the penal laws committed within the limits of said town, shall be in like manner paid over to the Treasurer.

§ 10. That all acts or parts of acts, coming within the purview of this act, be and the same are hereby repealed. This act to take effect from its passage.

Approved February 18, 1858.

1858.

## CHAPTER 473.

AN ACT for the benefit of Edwin Trimble, late Clerk of Floyd County and Circuit Courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Edwin Trimble, late Clerk of Floyd County and Circuit Courts, be and he is allowed the further time of two years to list for collection, with any collecting officer of this State, the fee bills and charges due him as Clerk aforesaid, and that they have the same leviable quality, as if they had been issued in due time, subject however to all the pains, penalties, and liability now imposed by law against Clerks in similar cases. This act to take effect from the first of March, 1858.

Approved February 13, 1858.

## CHAPTER 474.

AN ACT for the benefit of Daniel Hager, of Johnson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Daniel Hager, of the county of Johnson, as late Sheriff thereof, be and he is given the further time of two years from the first day of May, 1858, to list for collection, or collect in person, the fee bills, taxes, and levies due him, or which may be in his hands and due others; and that the said fee bills and taxes, as above named, shall have the same distrainable quality as is given by law to other fees, &c., and that the said Hager shall be liable to all the pains and penalties which are now provided by law for listing or collecting illegal fee bills and taxes. This act to take effect from the first of May, 1858.

Approved February 13, 1858.

## CHAPTER 475.

AN ACT amending an act incorporating the Hustonville and Stanford Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That it shall be lawful for the President and Directors of the Hustonville and Stanford Turnpike Road Company to place the toll gate on said road, near Hustonville, within a less distance from said town than allowed by the charter of said Turnpike Road Company; and so much of the charter as conflicts herewith is hereby repealed. This act to take effect from its passage.

Approved February 13, 1858.

## CHAPTER 476.

1858.

AN ACT to incorporate the Boston Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, with corporate powers and corporate succession, to make a turnpike or gravel road from the Boston Depot, on the Lebanon branch of the Louisville and Nashville Railroad Company, in the direction of Bardstown to Cedar creek, and as far as their means will enable them, and may make a branch to or in the direction of Morehead's bend, on the Beech fork.

Location of road

§ 2. Notley Belmear, Walton Smith, Jeff. Carpenter, and Thomas Welch are appointed Commissioners to open books for the subscription of stock, and may take subscriptions of stock to be paid in making road.

Commissioners.

§ 3. The shares shall be fifty dollars each, and whenever two hundred shares are subscribed the Commissioners shall convene the shareholders; to meet at the Boston Depot, to elect a President and four Directors.

Capital stock.

§ 4. The said company, so formed, shall have the rights, privileges, and immunities conferred, and be subject to all the restraints imposed by chapter one hundred and three of the Revised Statutes, except they shall not be required to make application to the County Court of Nelson, or be governed by it as to routes, or anything else, except as to writs of *ad quod damnum*.

Corporate pow  
ers.

§ 5. The company shall be called the "Boston Turnpike Road Company."

Name and style.

§ 6. The county of Nelson, a majority of all the Justices concurring, may subscribe stock not exceeding five thousand dollars.

County Court  
may take stock.

Approved February 13, 1858.

## CHAPTER 479.

AN ACT for the benefit of Albert Cook, of Livingston county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of Livingston county shall allow to Albert Cook, Jailer of Livingston county, one hundred and fifteen dollars, for keeping a person of color named William, who was committed to the custody of said Jailer as a runaway slave, but who was afterwards proved to be a free person. The said sum to be paid out of the county levy.

Approved February 13, 1858.

1858.

## CHAPTER 480.

AN ACT for the benefit of J. B. Harper, of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of this Commonwealth be authorized and directed to draw his warrant on the Treasurer, for the benefit of J. B. Harper, for the sum of eighty-five dollars, which it appears said Harper paid in excess as a license on two billiard tables in the year 1857.

Approved February 13, 1858.

## CHAPTER 481.

AN ACT for the benefit of Thomas Farler, Jailer of Harlan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Thomas Farler, present Jailer of Harlan county, be permitted to reside at his present residence near Mount Pleasant, although his reside from the jail of said county be at a greater distance than that prescribed by law.

§ 2. This act shall take effect from the date of its passage.

Approved February 13, 1858.

## CHAPTER 482.

AN ACT to repeal an act, entitled, an act for the benefit of Steel and Lam.

Whereas, it is represented to the General Assembly, that a mill-dam erected across the Kentucky river by Garvin Steel, and others, under an act of the General Assembly, has become an obstruction to the free navigation of said river. For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled, an act for the benefit of Steel and Lam, approved February 11, 1835, be and the same is hereby repealed.

Approved February 13, 1858.

## CHAPTER 483.

AN ACT to incorporate the Liberty and Bradfordsville Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Name and style. § 1. That a company shall be formed, under the name and style of the "Liberty and Bradfordsville Turnpike

Road Company," for the purpose of constructing an artificial road from Liberty to Bradfordsville, with stone, gravel, or plank.

§ 2. That the capital stock of said company shall be thirty thousand dollars, to be divided into shares of fifty dollars each, which may be increased by said company if the above sum be insufficient to make said road.

§ 3. That the books for the subscription of stock may be opened at such times and places as the Commissioners herein appointed may deem advisable; and that A. T. Belton, James Swigget, Benjamin Sharp, Geo. Drye, F. L. Wolford, Wm. P. Tate, Joel, Sweney, Wm. Anderson, and Joel Murphy, of Casey county; Dr. Rose, Joel Yowel, James Yowel, Mat. Drye, and Ed. Purdy, of Marion county, be appointed Commissioners under this act; any one or more of said Commissioners, in each county, shall have power to receive subscriptions of stock to said road, in a book for that purpose, procured by him or them; and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: "We, whose names are hereunto subscribed, severally promise to pay to the President, Directors, and Company, of the Liberty and Bradfordsville Turnpike Road Company the sum of fifty dollars for each and every share of stock in said Company set opposite our respective names, in such manner and proportion, and at such times and places, as shall be by them required, under the law incorporating said Company. Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_\_. The said Commissioners, or a majority of them, shall give notice of the time and place of opening books for subscription, by advertisements, either written or printed, of stock in said Company, and that they will continue the same open until the amount of capital stock, or enough to complete said road, shall be subscribed.

§ 4. That so soon as five thousand dollars shall be subscribed the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and six Directors, who shall hold their office for one year, and until others shall be elected and duly qualified. The said President and Directors shall, before they enter upon the duties of said office, take an oath before some Justice of the Peace that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That upon the qualification of the President and Directors they shall appoint a Treasurer and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The Treasurer of said company

1858.

Capital stock.

Commissioner's names.

When company to be organized.

1858.

shall, before he enters upon the duties of his office, give bond with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors, and that he will perform the duties required of him by the by-laws of said company.

Officers—their  
powers, &c.

§ 5. That upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the "Liberty and Bradfordsville Turnpike Road Company;" and by the said name the said Company shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and real and personal estate as much as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever; also, to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

Charter of Hu-  
stonville & Dan-  
ville road made  
part of this.

§ 6. That all the provisions, from the fifth to the thirty-fifth section of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March the 1st, 1844, be and the same are hereby made part of this charter so far as it does not conflict with this, except that part of said act which exempts persons going to mill from paying toll thereon. The Legislature hereby reserves the right to alter, amend, or repeal this charter at pleasure.

Casey County  
Court may take  
stock.

§ 7. That the County Court of Casey county, a majority of the Justices of the Peace of said county concurring therein, may take stock in said road, not exceeding five hundred dollars per mile within said county; and to pay for the same may levy a tax upon each one hundred dollars worth of property in said county, subject to taxation, as will be sufficient for that purpose.

§ 8. This act to take effect from and after the passage thereof.

Approved February 13, 1858.

## CHAPTER 484.

1858.

AN ACT to incorporate St. Thomas' Seminary, in Nelson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Martin J. Spalding, Edward B. Smith, Edward L. Miles, James Rudd, Michael Cody, David A. Deparcq, Benedict J. Spalding, Francis Chambige, and Joseph Haseltine, be and they are hereby erected and created into a body corporate, under the name and style of "Trustees of St. Thomas' Seminary," with perpetual succession, and with all the rights, powers, privileges, and incidents to a corporation in law and in deed.

Trustees incorporated.

§ 2. The said Martin J. Spalding, Roman Catholic Bishop of Louisville, and his successors in office for the time being, shall be *ex officio* moderators of the said Board of Trustees; and as the said Seminary of St. Thomas is intended for the education of young men for the Ministry of the Roman Catholic Church, the said Bishop, and his successor in office aforesaid, shall have the power to appoint the President or Superior of the said Seminary, who shall be *ex officio* Vice President of the said Board of Trustees. The professors and other inferior officers of the said Seminary will be appointed by the President, with the approbation of the Bishop aforesaid.

Objects, &amp;c.

§ 3. The Board of Trustees shall meet for the transaction of business, at such times and places as shall be designated by the Moderator, or in his absence by the Vice President of the board, who shall give, in writing, due notice to all the Trustees at least seven days before every meeting.

Powers of Bishop, &amp;c.

§ 4. The said Board of Trustees shall elect their own Secretary and Treasurer.

Trustees to meet, &amp;c.

§ 5. Five of the Trustees including the Moderator, or in his absence, the Vice President of the board, shall constitute a quorum for the transaction of business.

Secretary and Treasurer.

§ 6. In case of the death or resignation of any member of the Board of Trustees another shall be elected by the board, at one of their meetings, to supply his place, and thus the succession shall be perpetuated.

Quorum, &amp;c.

§ 7. The said Board of Trustees, and their successors, shall be able and capable, in law and in equity, to take to themselves, and to hold for the benefit of the said Seminary, any estate in any messuage, lands, slaves, tenements, hereditaments, good, chattels, moneys, stock, or other effects, by gifts, grants, bargain and sale, conveyance, assurance, will, devise, or bequest, of any person or persons whatever, and to invest the same, or any part thereof, in any manner which to them shall seem most beneficial to the interests of the said Seminary: *Provided*, The annual income of the same do not exceed ten thousand dollars, and the capital stock does not exceed five

May hold property.

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hundred thousand dollars; and the said Trustees may, in their corporate capacity, sue and be sued, and they may lawfully do all other acts which similar corporations in this Commonwealth usually do and perform.

*May remove location of Seminary.*

§ 8. If at any future time the Board of Trustees should deem it advisable, for better carrying out the objects of this seminary, to remove its location to any other point within this Commonwealth, it shall be competent for them to do so, by and with the full consent and approval, in writing, of the Roman Catholic Bishop of Louisville for the time being; and should they decide on the removal, as aforesaid, they will not thereby forfeit any of the rights, powers, or privileges secured to them by this charter.

*How revenue to be applied.*

§ 9. The said Board of Trustees shall apply all the revenues of the said corporation to the education of young men preparing for the ministry of the Roman Catholic Church in the said Seminary, for the diocese of Louisville, or studying elsewhere for the same object, if the Roman Catholic Bishop of the diocese of Louisville, for the time being, should deem it expedient to send some of his candidates for the ministry aforesaid to other institutions.

*Faculty may confer degrees.*

§ 10. The President, or Superior, and the Professors of the said Seminary, shall constitute the faculty thereof, and they are hereby vested with power to confer such degrees in the liberal arts and sciences, and in philosophy and theology, as are usually bestowed in other similar Colleges of the highest grade in the United States.

*May make by-laws, &c.*

§ 11. The said faculty, by and with the consent of the Bishop aforesaid, for the time being, shall have power to make such by-laws and regulations for the government of the said Seminary as they may deem most advisable: *Provided*, That such laws be not opposed to the constitution and laws of the United States, or of this Commonwealth.

*Misnomer not to defeat bequests.*

§ 12. No misnomer of the said corporation shall defeat or annul any gift, grant, devise, or bequest to and from the said corporation: *Provided*, That the intention of the parties shall sufficiently appear upon the face of the gift, grant, will, or devise, or other writing, whereby any estate or interest was intended to pass to or from the said corporation.

§ 13. The Legislature of Kentucky reserves the right to alter, amend, or abolish this charter.

Approved February 13, 1858.

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## CHAPTER 485.

1858.

### AN ACT to incorporate the Hustonville Christian Academy.

Whereas, a number of citizens in and about the town of Hustonville, Lincoln county, have erected suitable buildings for educational purposes, and desire an act of incorporation. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. L. Williams, E. W. Brown, George Carpenter, James M. Hocker, Tilman Hocker, F. S. Kaughman, Edmund Powel, A. A. Campbell, Marquis Helm, N. G. Tevis, M. S. Peyton, David Williams, T. H. Wright, L. D. Goode, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of "The Trustees of Hustonville Christian Academy," and as such shall have perpetual succession, with full power to acquire, hold, and transfer real and personal estate, make contracts, sue and be sued, plead and be impleaded in their corporate capacity; to make such rules, by-laws, and ordinances as they may deem necessary for the government of said corporation, not inconsistent with the constitution and laws of this State, or of the United States.

Corporator's names.

Name and style.

§ 2. That said Trustees shall have power over all the business concers of said Academy; they may appoint a President, Treasurer, Clerk, and other officers that may be necessary.

Trustees.

§ 3. That as many as five of said Trustees, meeting in pursuance to their own rules, shall constitute a quorum for the transaction of business. The said Trustees shall have power to employ a principal, and such assistant teachers, either male or female, as they may deem necessary.

Quorum, &c.

§ 4. That they shall have power to increase the number of Trustees, from time to time, as they may think the interests of the institution may require. They may have power, also, to fill vacancies that may happen in said corporation; and have power to remove from office any member of the board of Trastees a majority of all the Trustees concurring.

Number of Trustees may be increased.

§ 5. That all the estate, money, or property now belonging to, or which may hereafter be acquired by, said corporation, by devise, gift, or otherwise, shall be used in such manner as the Trustees, by their corporate action, may determine.

How funds to be used.

§ 6. That said Trustees shall not be required to procure a common seal, but all their corporate acts may be performed and evidenced under the official signature of the President; and said President shall be chosen out of their own body annually.

No corporate seal required.

1858.

*May confer de-  
grees, &c.**How it may be-  
come a common  
school.*

§ 7. That the Trustees of Hustonville Christian Academy shall have power to confer upon the pupils of said Academy any or all the diplomas or degrees conferred by other corporate institutions of learning in this State; and the private seal of the President of the board, and principal of the Academy, may stand in lieu of a corporate seal, and until one is procured.

§ 8. That when the Academy, hereby made corporate, shall afford facilities for teaching all the children and youth in the school district in which it is situate, and for the period during which each of said pupils is or hereafter may be entitled to tuition under the general laws in relation to common schools, then the school Trustees of said district, or a majority of them, shall report the same as the common school of said district, and it shall be entitled to all moneys coming to such district from the common school fund: *Provided always*, That when said Academy shall cease to furnish facilities for teaching, as above required, then the benefits conferred on it in this section shall cease and determine, and common schools are to be taught in said district as heretofore provided for by law.

§ 9. This act shall take effect from its passage, the Legislature reserving the right to alter or repeal the same.

Approved February 13, 1858.

#### CHAPTER 486.

AN ACT to amend and reduce into one the acts in relation to the town of Russellville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

*Corporate limits*

§ 1. That the town of Russellville, as now established by law, within the boundaries defined in the plats of said town, and such additions as may be hereafter made to said town, shall be and is hereby declared to be the town of Russellville.

*Board of Trustees.*

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government thereof, shall be vested in a principal officer, to be styled the Chairman of the Board of Trustees, and six Trustees, who shall be elected on the 1st Saturday in March, in each year, in the manner herein after prescribed, and shall hold their offices until their successors shall have been duly qualified, all of whom shall be freeholders, and shall have resided in said town one year next preceding their election.

*Annual elec-  
tions, &c.*

§ 3. That on the first Saturday in March, in each year, there shall be held, by officers appointed by the Board of Trustees, an election for a Chairman and six Trustees for said town. All free white male citizens over twenty-one years of age, who shall have *bona fide* resided in said town

six months next preceding the time of said election, or shall at that time be owners of real estate in said town, and citizens thereof, and who shall have paid their taxes for the current year next preceding the election, and all arrearages due for tax, fines, forfeitures, or otherwise, shall be entitled to vote.

§ 4. The Chairman, Trustees, Marshal, and all officers appointed by the board, before entering upon the duties of their respective offices, shall take an oath to discharge their respective duties. The Chairman shall be sworn before some Justice of the Peace, and may then administer the oath to the Trustees, and to all officers appointed by the board.

§ 5. The said Chairman and Trustees shall be a body politic and corporate, and shall be known by the name and style of the "Chairman and Board of Trustees of the town of Russellville;" and in that name may sue and be sued in the courts of this Commonwealth, contract and be contracted with, use a common seal, and do all other acts which such a body politic and corporate, having perpetual succession, may do rightfully and lawfully.

§ 6. The Chairman, Trustees, Marshal, and all officers appointed by the board, shall reside and keep their offices within the limits of said town. Three months absence from the town of the Chairman, or Trustees, or any officer of said town, shall vacate their office, if so declared by unanimous vote of the Trustees. Said board shall fill all vacancies caused by death, resignation, or otherwise, in the offices of said town.

§ 7. The Board of Trustees shall have power, every year, sixty days previous to the annual election in such year, to lay the town off into two or more wards, to be as near equal in population and improvement as may be practicable, out of each of which may be elected an equal proportion of Trustees to reside therein, by the persons entitled to vote in their respective wards. Notice shall be given in some newspaper printed in said town of the place at which the election is to be held in each ward; Judges and Clerks appointed as directed in the third section shall hold the elections in the different wards at the same time, and close at the same hour. The Judges and Clerks of the different wards shall, on the Monday following the election, meet and deposit the poll books with the Clerk of the board, who, in their presence, shall add up the polls, and give to the persons receiving the highest number of votes for Chairman and Trustees a certificate of their election.

§ 8. The Chairman shall preside at the meetings of the board, and give the casting vote when there shall be a tie; he may convene the board at any time he may think proper; he shall countersign all orders of the board signed

1858.

Officers to take  
an oath.

Name and style.

Officers to reside  
in the town.

May lay off  
wards.

Duties of the  
Chairman, &c.

1858.

by the Clerk; he shall report all improper conduct of the officers appointed by the board to the board in session, who shall have the power to remove them by a resolution entered upon the journal, two-thirds of the board concurring therein; he shall have the care and superintendence of the public property of said town, and shall perform such other duties as the board may think proper to impose on him as the chief executive officer of said town; he may, with the advice and consent of a majority of the Trustees, remit any fine, penalty, or forfeiture incurred or imposed by any law or ordinance of the town, and discharge from the jail any person imprisoned for a violation of any law or ordinance of said town, but such remission of fine or discharge from imprisonment shall be on condition of the payment of costs.

*Regular meetings.*

§ 9. The regular meetings of the board shall be held on the first Monday in each month, until altered or changed by ordinance. A majority of the Trustees shall be capable of doing business in session; the board shall have the power to enforce the by-laws and inflict such penalties as they may deem proper, for the non-attendance of the Chairman, Trustees, and other officers elected or appointed by the board.

*Clerk—his duties, &c.*

§ 10. The Board of Trustees shall appoint a Clerk, whose duty it shall be to preserve the books, papers, records, and all property belonging to his office, and deliver the same to his successor in office on application being made therefor; he shall keep a regular journal of the proceedings of the board, and a correct account of the fiscal concerns thereof; he shall record all the acts, ordinances, resolutions, and orders of the board; he shall take and attest all bonds and agreements between the board and all persons; he shall furnish attested copies of all acts, ordinances, resolutions, and orders passed by the board when required to do so by persons entitled to demand the same; he shall draw his order for all sums of money due to persons on claims allowed by the board; and on the return of the Assessor's list to the board he shall hand over one of said lists, together with the order fixing the rate of assessment, to the Collector of tax, taking his receipt therefor; he shall be required to give bond in an adequate penalty, to be fixed by the board, for the faithful discharge of the duties of his office.

*Treasurer—his duties.*

§ 11. The Board of Trustees shall appoint a Treasurer, to whom all moneys belonging to the town shall be paid. No claims against the town shall be paid until the same are audited and allowed by the board. In all cases of the payment of money by the Treasurer, in satisfaction of claims on the treasury, it shall be upon an order drawn by the Clerk, and countersigned by the Chairman, for the amount appearing to be due to the claimant; such order,

in the hands of the Treasurer, receipted, shall be evidence of its payment. Like bond shall be required of the Treasurer, and like remedies are hereby given, as in the case of the Collection of taxes.

§ 12. The board shall, annually, appoint one town Assessor, and one assistant if necessary, who shall take in a list of all taxable inhabitants and owners of property in said town separately, and to fix against each the real estate in said town owned by him, her, or them, with the value thereof, on the 10th day of January in that year in which the list is taken, and also the true and just value of such other estate of each of said inhabitants or owners, whether in slaves, goods, stocks, or other property owned, held, possessed, used, or employed by him, her, or them in said town, on said 10th day of January, as may be designated for taxation by said board, which list shall be made on the oath of the party; or if the party refuse to give in a list and swear to the same, the list shall be made from the best information the Assessor possesses, and said list shall be extended to include all free males over twenty-one years of age, and all slaves held on hire, with the value of each, all taverns, grocers, victuallers, confectioners, and houses of public resort, hacks, drays, carts, wagons, and porters plying in said town for hire, if required by the board; of which list two fair copies, arranged in alphabetical order, shall be completed and returned to said board at the regular meeting in May, whereof notice shall be given that any of said inhabitants or owners may examine the same, and if any one shall feel aggrieved thereby, in excessive valuation or otherwise, application may be made to the board, and on proof being made to their satisfaction the list may be corrected: *Provided*, The application is made within the time that may be prescribed by them, after which no abatement or change shall be made. The board shall proceed to lay and levy the taxes for the current year from estimates previously submitted to them by the Chairman.

§ 13. The Justices of the Peace elected and residing in the Russellville district shall have full and complete jurisdiction over all violations of the laws, ordinances, and penalties passed or imposed by the Chairman and Trustees of said town, in as full and complete a manner as they now, by law, have over violations of the penal laws of the Commonwealth of Kentucky: *Provided*, That they shall have such jurisdiction without regard to the amount of the fine imposed; they shall have the same fees as they are now by law entitled to for similar services: *Provided further*, That for all warrants issued by them, for violation of the town laws or ordinances, they shall be entitled to a fee of one dollar; the process in all cases for

1858.  
Duty of Asses-  
sor.

Justices of the  
Peace in Rus-  
sellville to have  
jurisdiction of  
offenses.

1858.

violation of the laws and ordinances shall be in the name of the Commonwealth of Kentucky, and directed to the Marshal of said town or the Sheriff or any Constable of Logan county.

*Marshal—his  
duties.*

§ 14. The Chairman and Board of Trustees shall, annually, appoint a Marshal, who shall be duly qualified, and give bond and security, executed and made payable to the Chairman and Board of Trustees, in an adequate penalty, for the faithful discharge of his duties. He shall have all the power and authority, within the town of Russellville, to collect the town tax, as Sheriffs have in collecting the county levy and state revenue, and in serving notices, warrants, executions, and selling property under the judgments rendered for the violation of the town laws and ordinances and orders of said board. He and his securities shall be liable to the judgment of the Logan Circuit Court for failing to collect or pay over any sums of money put into his hands for collection, with ten per cent. interest thereupon—a lien is hereby created upon the real estate of the Marshal and his securities for all sums placed in his hands for collection. He shall serve all kinds of process and notices issuing from the proper authorities for violations of the laws and ordinances of said town; he shall remove, or cause to be removed, all nuisances at the expense of those who shall cause or have such nuisance within the limits of said town, according to the ordinances, rules, and regulations of the Board of Trustees. He may have a deputy by and with the consent of the Chairman and board; he shall be responsible to the Trustees for all the acts of such deputy; he shall, by himself or deputy, execute all the process issued by the proper authorities of the town, and make due return thereof; he shall be entitled to the same fees and per cent. for collecting the town tax, penalties, and forfeitures, as the Sheriffs and Constables have in like cases, where it is not otherwise provided for by this act, or by the order of the board; he shall be entitled to the fee of one dollar for serving a peace warrant; for serving a warrant for a rout, riot, or breach of the peace one dollar; for all warrants where fines are to be assessed by a jury one dollar; for all penalties and forfeitures and debts to be tried by the town authorities twenty-five cents; summoning a witness fifteen cents; he shall be entitled to the same fees from the State, to be paid out of the Treasury and county levy, for serving warrants for the commission of a felony and warrants against slaves for misdemeanors, as Constables are for like services; the Marshal shall be authorized to take replevin bonds with security, payable to the Board of Trustees, for all penalties placed in his hands for collection; such bonds shall run for three months, as in case of debts, returnable to the office from

which execution issued; when due the justice shall issue execution with endorsement thereon of "no security to be taken." He shall perform all other duties imposed on him by ordinances of the board.

§ 15. The board shall have power to appoint a health officer, and establish regulations which may be necessary to prevent the introduction of small-pox and other contagious diseases into said town, and remove all patients without the limits of the town with such disease, when thought prudent by said board.

§ 16. The board shall have power to organize a fire department, for the extinguishment of fires that may happen within said town; to provide engines and other apparatus for that purpose; and pass such ordinances as may be necessary to make effective such department.

§ 17. The board shall have power to pass ordinances regulating the introduction of gunpowder for sale into said town, and storing of the same therein; and they may enforce compliance with such ordinances by suitable penalties; and, also, may cause a magazine to be erected without the limits of the corporation, to be under the control of the board, who shall by ordinance, regulate the fees and charges for keeping of powder and other combustible materials therein.

§ 18. That said Trustees shall have control of the cemetery near said town, and are hereby invested with power to add, by purchase, to said ground, not more than twenty acres, or to purchase a new and more eligible site of not more than twenty acres; they may lay off and sell burial rights or lots, and appropriate the proceeds to beautifying and improving the ground, and may, by their by-laws, impose a fine not exceeding one hundred dollars upon any person trespassing upon or injuring the grounds or improvements.

§ 19. The Board of Trustees may receive conveyances or the consent, in writing, of proprietors of lots or lands within the town, for the purpose of locating new streets or alleys, or extending any of the streets or alleys to the limits thereof, and on receiving the same may direct such street or alley to be extended or opened. And when they shall deem it proper to have any new street or alley opened, or any of the streets or alleys of said town extended in part, or to the limits thereof, they shall petition the Logan Circuit Court, stating the street or alley they wish opened or extended, and the name of the owners, if known, of the lots and lands through which they desire to have such street or alley opened or extended, and the width thereof, and thereupon the court shall order a summons to issue for such owners to appear on some convenient day of that or some subsequent term, to show cause why such street or alley shall not be opened or extended,

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Health officer  
may be appoint-  
ed.Fire depart-  
ment.Ordinances in  
relation to gun-  
powder.

Cemetery.

Streets and al-  
leys.

1858.

which summons shall be executed on the owners if in the county, if not, on their agents, if known; and on the return of the summons executed, or the return of no inhabitant and no known agent, and no one appearing, the court shall order the street or alley to be opened or extended, and if one or more of such persons shall appear they shall have a right to claim a writ of *ad quod damnum*, which the court shall award, directed to the proper officer, to be executed as other writs of that nature for opening roads; and on the return of the writ, executed the court shall order the board to pay the damages assessed, and shall order the street or alley to be opened or extended. The board shall have full power and authority to cause all streees and alleys to be opened and cleared of all obstructions by the infliction of suitable fines and penalties: *Provided, however,* That the board shall have power, at any time before the final order or judgment, to dismiss their petition, which shall not prevent their again instituting proceedings for opening such street or alley at any time after one year from said dismissal: *And, provided further,* That the party aggrieved by the decision of the Circuit Judge shall have the right of appeal, as in other cases of a similar character.

Conveyances.

By-laws, &c.

§ 20. The Chairman and Board of Trustees shall have power to make and receive all necessary conveyances in in relation to said town. They shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the constitution or laws of this Commonwealth; they shall have power to assess and collect, annually, an *ad valorem* tax of not exceeding twenty-five cents on each one hundred dollars worth of the real and personal estate in said town, and a poll tax of not exceeding one dollar and fifty cents on each tithe, and upon the refusal of any person, so assessed, to pay said revenue or poll tax, or upon the return of the town Marshal or Collector herein provided, of any delinquent list, they may order a sale and conveyance of the real or personal estate of said person for the payment of such taxes, after an advertisement of said sale has been made: *Provided,* That it shall be the duty of said Trustees to cause all nuisances to be abated and removed, and keep the streets in good repair for transportation and travel, and for any failure to do either they shall, upon indictment or presentment by the grand jury, be fined by the Logan Circuit Court a sum not exceeding fifty dollars, to be collected of them by the Sheriff, and paid into the town treasury; they shall have power to declare, by their by-laws, what are nuisances within said town, abate the same, and may impose fines and penalties upon whomsoever may cause them; they shall have power to erect a suitable Market

House, and for that purpose may purchase ground, and regulate the market, and appoint a Market Master.

1858.

Taxing powers,  
&c.

§ 21. That they shall have power to provide for taxing any store, grocery, or retail establishment of any kind, that may be commenced or opened at any time subsequent to the day fixed for the annual assessment; they shall have power to tax pedlers, auctioneers, in addition to the tax now imposed by law, such amount as may be fixed by ordinance, and to require them to take out license, under such restrictions and penalties as may be necessary to enforce such tax, as well as the power to tax and license the agencies of insurance, shows, exhibitions, theatrical performances, concerts, and all places of public amusement where money is charged for admission to the same: *Provided*, That no tax shall be levied upon sales of decedents' estates by executors, administrators, or curators, or by Sheriffs, Constables, Marshals, Coroners, or any public officers, as such, or by Commissioners appointed or directed by authority of any court: *Provided further*, That no tax shall be levied on the public sales of books.

§ 22. The board shall have the exclusive right to regulate the sale of the spirituous liquors within said town; they shall also have the right to tax, and the exclusive right to license, all taverns, houses of private entertainment, coffee-houses, grocers, victuallers, confectioners, and houses of public resort in said town; but tavern keepers and venders of spirituous liquors shall still be liable to pay any revenue tax now required by the laws of the State to be paid, and no license shall be granted whereby spirituous liquors or wines may be retailed, except to tavern keepers and keepers of coffee-houses, upon the payment of not less than fifty dollars. The board shall have power and authority, two-thirds of the Trustees concurring, to suspend, either indefinitely or for a limited period, any license which they may grant, or which may have been granted to a tavern keeper or keeper of a coffee-house or drinking saloon, whenever they shall be satisfied by proof that said tavern keeper or keeper of a coffee-house has permitted any unlawful gaming in his house, or has permitted any disorderly or indecent conduct to be practiced or committed in his house, or has permitted any person or persons to tipple or drink to intoxication therein: *Provided, however*; That no license shall be suspended until said tavern keeper or keeper of coffee-house shall have at least five days previous notice, and has been permitted to show cause, if any he can, why his license should not be suspended. If any person, whose license shall have been thus suspended by said board, shall afterwards sell by retail any spirituous liquor or wines, he shall be deemed guilty of keeping a tippling-house; and

Tavern licenses,  
&c.

1858.

fined not exceeding one hundred dollars, to be paid to the town.

*May suppress  
tippling houses,  
etc.*

§ 23. The board shall have power to suppress, by ordinance, with suitable penalties, all tippling-houses, bawdy-houses, and houses of ill-fame, all retailing of spirituous liquors and wines, all riots, breaches of the peace, disorderly or indecent conduct, disturbances of religious worship, vagrancy, and disturbances of the peace and tranquility of the town. They shall also have power, whenever the public convenience or safety shall, in their opinion, require it, prohibit hogs and other animals from running at large in the streets, alleys, commons, and other public places in said town, and to require and compel the abatement and removal of all nuisance within the limits of said town, under such regulations as shall be prescribed by ordinance.

*May prohibit  
slaves from hir-  
ing their time.*

§ 24. The board may, by ordinance, prohibit slaves from hiring their own time within said town, and on conviction of a violation of such ordinance said slaves may be hired out three months, and the proceeds of such hire paid to the town: *Provided*, That the master or mistress, or hirer of such slaves shall first be summoned to show cause, if any they can, why such slaves should not be hired out as aforesaid.

*Free negroes.*

§ 25. The board shall have the power to prevent, by ordinance, the emigration and location of free negroes in said town.

*May improve  
streets, etc.*

§ 26. The Chairman and Board of Trustees shall have full power and authority to cause all the streets and alleys, or any part or portion thereof in said town, now established, or hereafter to be established, to be graded, paved, turnpiked, gravelled, or otherwise improved.

*May make side-  
walks, etc., and  
make property  
owners pay for  
them.*

§ 27. The Chairman and Board of Trustees shall have full power and authority, (two-thirds of the whole number of the Trustees elected concurring,) to cause the side-walks, or any part or portion of them in said town, to be curbed, graded, and paved, with stone or brick, and when so done to be kept in good repair, and to assess the costs and expenses of such curbing, grading, and paving, or repairs adjacent to any lot or part of lot against the owner of the lot or part of lot fronting thereon—and to secure the payment of said costs and expenses, a lien is hereby given on such lots or parts of lots. Said costs and expenses may be listed as taxes with the Collector of said town, and by him collected as other taxes, who shall have power to sell and convey said lots or parts of lots, or so much thereof as may be necessary, in the same manner that real estate in said town may be sold for taxes: *Provided*, That infants, *femes covert*, and persons of unsound mind shall have five years after their several disabilities are removed, to redeem the same: *And provided further*,

That the owners of property fronting thereon shall first have an opportunity of making said improvements themselves, upon fair and reasonable notice to them.

1858.

§ 28. If at any time, in the opinion of the said Board of Trustees, it shall become necessary to grade and pave any side-walk in front of the lot of any widow in said town, which would, in the opinion of the board, oppress such widow to grade and pave such side-walk out of her own means, the Chairman and Board of Trustees shall have the power to cause such pavement to be graded and paved, and pay for the same out of the revenue of said town.

May construct  
side-walks at  
expense of town

§ 29. That the citizens of said town, and their hands, shall be bound to work upon all roads and streets within the bounds of said corporation, when required to do so by ordinance of the board, and keep the same in good repair, but they shall be exempt from working on roads outside the limits of said town.

Citizens to work  
on streets and  
roads.

§ 30. The Chairman and Board of Trustees shall have power and authority to cause said town to be supplied with water, by sinking wells, constructing cisterns, placing pumps therein, and keeping the same in repair at the expense of the town.

May sink wells,  
etc.

§ 31. The Chairman and Board of Trustees shall have power to pass ordinances, imposing the penalty of fine and imprisonment for breaches of the peace, riots, routs, and unlawful assemblies, disturbing religious worship, and all offenses made penal by the statutes of the State. All trials for such offenses shall be by jury, unless waived by the defendant. The officer, in impanneling the jury, shall be governed in the qualification of jurors, by the statutes of the State on the subject.

May impose  
penalties for  
breaches of the  
peace.

§ 32. All persons convicted of violating the ordinances or by-laws of the town, and failing to pay the fine therefor assessed against them and the cost, shall be confined in the jail of Logan county until the fines assessed against them, and the costs of prosecution, are discharged, at the rate of fifty cents per day. Whenever the fees of the officers are discharged by confinement in the jail, and in the case of slaves convicted of hiring their own time, said fees shall be paid out of the town treasury.

Fines, imprison-  
ment, etc.

§ 33. That all fines and forfeitures for a violation of the ordinances of said town shall be collected and paid into the treasury of the town.

Fines, how col-  
lected.

§ 34. The Chairman and Board of Trustees shall have power to fix, by resolution, the salaries of the various town officers, which salaries shall be paid out of the revenue of said town. Said salaries shall be paid by the Treasurer on the order of the Clerk, countersigned by the Chairman of the Board.

May fix salaries  
etc.

1858.

*May license carts, drays, &c.**May make contracts and create debt, &c.**By-laws and ordinances to be recorded, &c.**Deduction for prepaying taxes**Annual reports.*

§ 35. The Chairman and Board of Trustees shall have power to tax, license, and regulate all drays, carts, wagons, and hacks, and porters, which may be plying in said town for hire; they shall also have the power, whenever in their opinion the interest of said town may require it, to levy and collect taxes on dogs and other domestic animals, not exceeding five dollars on each animal.

§ 36. That the Chairman and Board of Trustees shall have the power, by contract or otherwise, to pledge the faith of the town for improving the streets and other necessary works, in any sum not exceeding twenty-five hundred dollars: *Provided*, That the town shall at no time owe more than said amount for such works. But said Chairman and Board of Trustees, (two-thirds concurring therein,) shall have power, and they are hereby authorized, at any time, and from time to time, as the improvement of said town may require, to borrow any sum not exceeding twenty-five hundred dollars; and said Chairman and Trustees are authorized to issue scrip, note, or bond of the Board, signed by the Chairman and countersigned by the Clerk, stipulating for the payment of any money thus borrowed, and interest, in conformity with the terms of the contract of the loan: *Provided, however*, That said board shall not, at any one time, be indebted in a greater sum than twenty-five hundred dollars borrowed money. And they shall have power and authority to pledge the revenue of said town for the principal and interest of any loans they may obtain under the provisions of this act: *Provided, further*, That before or at the time of the creation of any debt by said town, means shall be provided for payment of the interest thereon until due, and for the payment of the debt so incurred by the town, when the principal shall become due.

§ 37. The board shall cause all the by-laws and ordinances to be fairly recorded in the journal of their proceedings, and published in some newspaper printed in said town. The validity of the town ordinances and by-laws may be tried by a writ of prohibition from the Judge of the Logan Circuit Court, with the right of appeal by either party to the Court of Appeals.

§ 38. Any tax-payer who shall in any year, on or before the first day of August, pay to the Treasurer his town tax for that year, shall be entitled to a deduction of eight per cent. thereon; and the Clerk of the board shall, in each year, in the month of June, give to the tax-payers notice through some newspaper printed in said town, that they are entitled to such deduction upon payment of their taxes on or before that time.

§ 39. They shall annually publish an account of all the moneys received, and of all the payments made during the year they are in office, together with a statement of

the town debt at the expiration of their term, through some newspaper published in said town.

§ 40. All the ordinances and by-laws now in force in said town, except so far as they are incompatible with the provisions of this act, shall remain in force until modified or repealed; and all the power, authority, and privilege vested in the Chairman and Board of Trustees, or in any of the officers of said town by this act, shall be vested in and exercised by the present Chairman, Trustees, and officers appointed by them, and their successors in office.

§ 41. The Chairman and Board of Trustees shall have full power to pass all needful ordinances and by-laws, for carrying into effect the powers herein granted, and executing all the provisions of this charter, with suitable penalties for the infraction of the same, not exceeding fifty dollars, except in cases of disturbance of religious worship, riots, breaches of the peace and tippling houses, where the penalty may be one hundred dollars. They shall also have the power to appoint all subordinate officers necessary to carry the provisions of this act into effect, such as Police Officers, Patrol, Market Master, Weighers, and any other that may be required, and to require bond and security of them for the faithful performance of their duties.

§ 42. The first election under this act for Chairman and Trustees shall be held at the Court House in said town on the first Saturday in March, 1858, by officers appointed by the existing Board of Trustees.

§ 43. This act shall take effect on the 1st day of March, 1858; and all acts and parts of acts coming within the purview of this act are hereby repealed.

1858.

Present ordinances to continue in force.

New ordinances and by-laws may be enacted.

Where &amp; when election to be held.

Repealing clause.

Approved February 13, 1858.

## CHAPTER 487.

AN ACT to incorporate the Franklin Phylomathian Library Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company, to be styled the "Franklin Phylomathian Library Association," is hereby constituted and incorporated, in the town of Murray. The capital stock of said company shall not exceed one thousand dollars, to be made up of shares as may be agreed on by the said company.

§ 2. The stockholders shall have power to appoint a day of meeting to elect a President and four Managers, a Secretary, Librarian, Treasurer, and such other officers as they may deem proper, who shall hold their office for one year, and until their successors shall be elected and

1858.

qualified. The said President, Managers, and officers shall be a body politic and corporate, and by the name and style of "the President and Managers of the Franklin Phylomathean Library Association" shall sue and be sued, plead and be impleaded, in any and all courts of law and equity in this Commonwealth; and may have and use a common seal, and alter the same at pleasure. It shall be deemed a sufficient service of notice or process if executed on the President, Librarian, Secretary, or Treasurer. The said President and Managers shall have power to pass all necessary by-laws and ordinances for the government, well being, and advancement of said association, not in conflict with any existing law of this State or of the United States. They shall have authority to levy a contribution upon the stockholders for the purpose of increasing the stock of books or other necessary appendages of said Library. They shall have power to receive a conveyance, by purchase or donation, of a lot of ground within or near the town of Murray, for the erection of library room or rooms, and contract for the building of the same, and may sell and convey the same as they may think proper, and receive a donation or contribution funds, to defray the expense of so purchasing and building or renting a room or rooms for their use. They shall have power to prescribe the mode of letting out books to the stockholders and others, and the length of time and terms upon which may be kept, and to impose penalties upon any stockholders for failing to return any book to the Library according to the terms prescribed, or for the abuse thereof. They shall have power to prescribe the several duties by which the Librarian, Treasurer, and other officers shall be governed and directed. The President may call a meeting of the Managers at such time as he may think proper; a majority, or two of the Managers and President, shall be necessary to transact business; and the President with the concurrence of the Managers, or any two of them, may call a meeting of the stockholders at such time, other than their annual meetings, as may be deemed necessary. They may receive additional subscription of shares; may prescribe the mode of transferring the same: *Provided*, That the same shall not be assets in the hands of administrators, or subject to forced sales. The said President and Managers shall have power to prescribe in what manner and for what cause or causes membership, and the rights and immunities of a member, may be forfeited.

§ 3. This act shall take effect from and after its passage.

Approved February 13, 1858.

## CHAPTER 420.

1858.

## AN ACT to incorporate the Kentucky Locomotive Works.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Said corporation shall have all the rights, immunities, and powers that may be necessary and proper for the conducting of its business, which shall be the manufacture of iron and other metals, and wood, in all their branches.

Corporate pow-  
ers.

§ 2. The capital of the company shall be two hundred and fifty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, or any portion thereof, and shall be in shares of one hundred dollars each: Subscriptions shall be made by persons signing their names to a covenant to take the number of shares placed opposite their names, and pay the amount thereof to said company; and E. Hutchings, Jno. C. Hilton, and Charles Ripley may open books for subscriptions, and when the sum of fifty thousand dollars is subscribed they may call the subscribers together, and proceed to organize the corporation by the election of a President and two Managers.

Capital stock.

§ 3. The President and Managers shall hold their office for such time as may be prescribed by the stockholders, and shall conduct and manage the affairs of the corporation in such manner as the stockholders shall by their by-laws direct, such by-laws being not inconsistent with the laws of the State or the United States.

Commissioners.

§ 4. There shall be annual meetings of the stockholders, at which time the President and Managers shall exhibit a full statement of the affairs of the company; and at such meetings a majority of the stockholders may vote to increase the stock of said corporation, and continue so to increase said stock until the whole amount shall be subscribed.

Officers—term  
of office.

§ 5. Each share of stock shall be entitled to one vote, and the stock may be voted by proxy, upon written authority. The company shall have a lien upon the stock for any debts due her by the stockholders. The dividend of profits may be declared yearly or half yearly, but no dividend shall be made so as to impair the capital subscribed.

Annual meet-  
ings.

§ 6. The President and Managers shall have full power to employ any and all agents that may be necessary for the management of the business of the corporation, and to dismiss the same at pleasure. The corporation shall give due notice, in one of the newspapers in Louisville, of the organization under this act.

Stock, how  
voted.

§ 7. This charter to be in full force twenty years from the date of its passage.

May employ  
agents.

Approved February 12, 1858.

1858.

## CHAPTER 493.

AN ACT authorizing the Trustees of the town of London to sell an alley in said town.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Trustees of the town of London, in Laurel county, may sell, either publicly or privately, on such terms as they may choose, an alley in said town which lies between lots Nos. 11 and 14; and the purchaser of said alley shall have power to close the same up; and after the payment of the purchase money said Trustees shall make, or cause to be made, to the purchaser a deed of conveyance.

§ 2. That the proceeds of the sale of said alley shall be applied towards the improvement or repairs of the public buildings in said town of London.

§ 3. This act shall take effect from and after its passage.

Approved February 13, 1858.

## CHAPTER 494.

AN ACT to amend an act, entitled, an act to incorporate the city of Paducah.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That so much of an act, entitled, an act to incorporate the city of Paducah, approved 10th of March, 1856, as requires the election or appointment of inspectors in tobacco warehouse, resident in said city, be repealed; and hereafter said inspectors shall be equally chosen from said city and from the county of McCracken. This act to take effect from its passage.

Approved February 13, 1858.

## CHAPTER 495.

AN ACT to amend an act, entitled, an act to incorporate the Clark's River Bridge Company, in McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporations, &c. § 1. That it appears a portion of the corporators named in section one, of an act, entitled, "an act to incorporate the Clark's River Bridge Company, in McCracken county," approved 23d February, 1849, have removed from said county, and for the purpose of carrying out the intent of said act, it is now declared that the remaining resident corporators, together with L. D. Husbands, G. H. Morrow, James C. Calhoun, G. W. Jarret and William F. Nor-

ton, who are now hereby appointed additional corporators to carry out the object of the act aforesaid.

§ 2. The capital stock of said company is hereby increased to five thousand dollars; and the original stockholders, and such others as may become stockholders under this act, or a majority of them, may meet at any time they see proper, to elect their necessary officers, and pass such by-laws as they may deem proper, not contrary to the national or State constitution.

§ 3. That the seventh section of the act aforesaid be and the same is hereby repealed; and all necessary power is hereby granted said corporators to effectuate the object of the act aforesaid. And the rates of toll shall be the same as now allowed by the County Court of McCracken to Jesse Bearden, or his successor, at his ferry on Clark's river, and the said rates may be changed, increased or diminished by the County Court, on application of the President and Directors of said company.

§ 4. The President and Directors of the original company, or a majority of them, are hereby authorized to sell and convey any real or personal estate of said company which accrued to them under the original charter, and the proceeds to be equally paid to the original stockholders or their *pro rata* portion thereof, unless the same be re-subscribed under this act.

§ 5. This act to take effect from its passage.

1858.

Capital stock.

Section 7th of former act repealed.

Original company may sell to this.

Approved February 13, 1858.

#### CHAPTER 496.

AN ACT to incorporate the Flat Rock and Rogers' Mill Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby created a body politic and corporate, under the name and style of the "Flat Rock and Rogers' Mill Turnpike Road Company," for the purpose of constructing a turnpike road from Flat Rock, in Bourbon county, by Rogers' Mill, to the Maysville and Mountsterling Turnpike Road, in Bath county.

§ 2. That the capital stock of said company shall be fifty thousand dollars, divided in shares of fifty dollars each.

§ 3. That the following Commissioners are appointed to receive subscription of stock in said company, to-wit: Isaac Crouch and John Talbot, of Bourbon, Joseph Johnson and Jefferson T. Robinson, of Montgomery, and Granville Rogers, Thompson Jones, and Joseph Gudgell, Sr., of Bath, to open books for the subscription of stock at such times and places as they, or any two of them, may think

Name and style.

Capital stock.

Commissioners.

1858.

proper, until all of said stock, or so much as may be necessary to construct said road, be taken.

Obligation.

§ 4. That the stockholders shall, in the books of said Commissioners, enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, promise and bind ourselves to pay to the President, Directors, and company of the Flat Rock and Rogers' Mill Turnpike Road Company, the sum of fifty dollars for each share of stock set opposite to our names, in such proportions, and at such times and places as the President and Directors may require: *Provided*, Said calls are thirty days apart, and not to exceed ten dollars on each share. Given under our hands this — day of —, 18—."

§ 5. That the stockholders shall be entitled to one vote for every share he holds, and when absent may vote by proxy authorized in writing.

Officers to be elected.

§ 6. That the President and five Directors, and all other necessary officers of said road, shall be elected by the stockholders at a public meeting of the stockholders in the town of Flat Rock, at such time and place as they may deem proper, by the Commissioners, or a majority of them, giving two weeks notice previously in the Paris Citizen and the Kentucky Whig.

Meetings to be called.

§ 7. That the President, or any three of the Directors, may call a meeting of the stockholders or the Directors at any time he or they shall deem it necessary; and that the President and three Directors, or in the absence of the President, four Directors, shall form a quorum for the transaction of business of said road. And so soon as five thousand dollars of said stock is subscribed, and the company organized, said company may proceed with the construction of said road, commencing at Flat Rock; and shall have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with; and have and use a corporate seal; and may appoint such officers as they may deem necessary to carry on the objects of the company; and may make such necessary by-laws as may not conflict with the laws of this State.

Read to be located.

§ 8. That said President and Directors, or a majority of them, shall locate said road between the points already designated, and have the same graded and constructed in all respects as is provided for in the charter of the turnpike from the direction of Paris to Flat Rock, and the same privileges for procuring the right of way, toll-gate stands, material, &c., as is provided for by said charter, or the general laws of Kentucky on that subject.

Annual elections.

§ 9. That after the first election the President and Directors of said company shall be elected annually on the first Monday in April, in the manner described in section

six, in the town of Flat Rock or Sharpsburg, as the Directors may direct. They shall keep a fair and just account of all moneys which shall be received by them from the subscribers, and of all money by them expended in the prosecution of said work; and all costs, charges, and expenses of said road shall be paid and discharged, and the aggregate amount shall be entered on the books of the treasury. The President and Directors shall, at the end of every six months after the completion of said road, make a dividend of clear profits, if any, and pay the same to the stockholders on the second Monday in April and October in each year.

§ 10. That after said road is completed the President and Directors shall erect one or more toll-gates for the purpose of receiving toll, not to exceed the rates granted to the turnpike road from Flat Rock towards Paris: *Provided*, That no gate shall be erected nearer than one mile of any town; and on that subject the President and Directors shall have power to make such by-laws, rules, and regulation as are not inconsistent with the laws of this State.

§ 11. This act to take effect from and after its passage; but the Legislature reserves the right to repeal or amend the same.

*May erect gates.*

Approved February 13, 1858.

#### CHAPTER 498.

AN ACT to incorporate the Kentucky Coal Company of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Edmund W. Crittenden, Thomas M. Hicks, P. H. Cochran, Edward Griffith, W. Emmet Garvin, Americus Symmes, and E. H. Crittenden, their associates and successors, be and they are hereby constituted a body corporate and politic, by the name and style of the "Kentucky Coal Company," in perpetual succession; with power in that name, to contract and be contracted with, plead and be impleaded, sue and be sued in all courts and places; to have a common seal, and the same to alter at pleasure; to engage in mining coal and other minerals, and in the purchase, sale, and transportation thereof; and they are hereby vested with all powers necessary for the successful prosecution of their business aforesaid. The said corporators, or a majority of them, shall have power to organize said company at any time, by the appointment of a President and such other officers and agents as they may deem necessary; and when organized, the said corporators, or the officers then chosen, shall have power to make such by-laws, rules, and regulations as may be

*Corporators.*

*Name and style.*

1858.

deemed necessary, from time to time, for the prosecution of the business and the government of said company, consistent with the constitution and laws of this State and of the United States.

Capital stock.

§ 2. The capital stock of the said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each; and upon all questions and elections to be decided by the stockholders each share shall be entitled to one vote, either in person or by proxy in writing; and a majority of the votes so given shall determine all questions whatsoever: *Provided*, That no stock shall be voted upon which is delinquent in payment of all dues thereon, agreeably with the by-laws and requirements of the company.

§ 3. That the Legislature retains the power to repeal or amend this charter, as the public good may hereafter require.

Approved February 13, 1858.

## CHAPTER 499.

AN ACT for the benefit of Robert Eastham, late Sheriff of the county of Lawrence.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Robert Eastham, of the county of Lawrence, be and he is allowed the further time of two years to collect, or list for collection, the taxes, fee bills, and other claims due him as the late Sheriff of the county of Lawrence. This act to take effect from its passage.

Approved February 13, 1858.

## CHAPTER 500.

AN ACT for the benefit of James White, late Deputy Sheriff of Campbell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That James White, late Deputy Sheriff of Campbell county, be and he is hereby allowed two years from the passage of this act to collect his uncollected taxes, fee bills, and county levies, under the laws regulating the collection of taxes and fee bills of Sheriffs of this Commonwealth.

§ 2. This act to take effect from its passage.

Approved February 13, 1858

## CHAPTER 501.

AN ACT to amend an act, entitled, an act to incorporate the Kentucky Ship Building and Lumber Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled, "an act to incorporate the Kentucky Ship Building and Lumber Company," approved March 9th, 1854, be and the same is hereby so amended as to allow and empower said corporation to add to the business contemplated by said act, the business of plaining and of manufacturing sash, doors, and blinds, and all other manufacturing operations connected, directly or indirectly, with house building.

Approved February 15, 1858.

## CHAPTER 503.

AN ACT to reduce into one the several acts relating to the town of Springfield.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§1. That the present corporate limits of the town of Springfield, as shown upon the maps of the said town now of record in the Clerk's office of the Washington County Court, and described in the acts of Assembly heretofore passed describing the same: *Provided*, That the jurisdictional limits for the suppression and punishment of offenses of every kind, and to suppress disorderly houses, to tax shows and such other exhibitions, and license as herein provided, shall extend one mile in every direction from the court house in said town of Springfield.

Corporate limits.

§2. That hereafter the fiscal, municipal, and prudential concerns of said town shall be vested in five Trustees, who shall be elected annually, on the first Monday of April, in the year 1858, in the manner hereinafter prescribed, by the free white male citizens of said town, over the age of twenty-one years, and who shall have resided within the limits of said town for six months next preceding said election. They shall have power to fill any vacancy that may occur in their board. It shall be their duty, at their first meeting after election, to appoint one of their own body to preside at their meetings, to be styled the "President of the Board of Trustees," to whose management and control the executive affairs of said town shall be entrusted. A majority of the board shall constitute a quorum for the transaction of business, and in the absence of the President, they may elect a President *pro tempore*: *Provided*, That the present Trustees shall continue in office until their successors shall be elected and qualified.

Trustees elected and duties.

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Trustees a body politic.

§ 3. That said Trustees shall be a body politic and corporate, and shall be known by the name and style of the "Board of Trustees of Springfield," and in that name may sue and be sued, contract and be contracted with in all courts and places, and may use either a common or private seal, and do all other acts which a body politic and corporate, having perpetual succession, may lawfully and rightfully do.

Powers of Trustees, &amp;c.

§ 4. They shall have power to make and receive all necessary conveyances in relation to said town. They shall have power to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the laws and constitution of this Commonwealth. They shall have power to assess and collect, annually, an *ad valorem* tax not exceeding twenty-five cents on each one hundred dollars worth of real and personal estate within the town, (except cash and cash notes,) by law taxable, and a poll tax not exceeding one dollar and fifty cents on each tithe; and upon the refusal of any person so assessed, to pay said revenue or poll tax, or upon the return by the town Marshal hereinafter provided, of any delinquent list, they may order a sale and conveyance of so much of the real or personal estate of such person or persons as may be necessary for the payment of his taxes and the costs of such proceeding, after advertising said sale for fifteen days before the sale, at the court house door in said town. It shall be the duty of the Trustees to keep the streets in good repair for transportation and travel, under the penalties now by law inflicted. They shall have power, by their by-laws, to declare what are nuisances within said town, and abate the same, or by their order cause the same to be done, and may impose fines and penalties on whoever may cause the same. They shall have power to provide for the organization of a fire company, to prescribe their duties, and fix fines and penalties for the failure of any one to perform the same. They shall have power to erect a suitable market house.

Trustees to have charge of burying ground.

§ 5. The Trustees of said town shall take charge of the town burying ground, and make appropriations for the improvement of the same, and beautifying the grounds; and may by their laws impose a fine not exceeding fifty dollars, on any person trespassing on the same, besides maintaining a civil suit for damages committed upon said ground or improvements.

Trustees duties as to streets.

§ 6. They shall have power over the streets, alleys, sidewalks and public squares of said town, and may cause any or all of the streets and alleys of said town, as the same were originally laid out and dedicated to public use, to be opened and cleared under appropriate penalties, except in such cases in which said Trustees

have, by contract and for valuable consideration, ceded to private individuals their right and power over said streets and alleys. If said Trustees shall desire to open other streets or alleys, they may do so by receiving from the owners a conveyance, or dedication of the same; but if they cannot purchase, or otherwise procure the use or cession of the same, and deem the establishment of a street or alley of public benefit to said town, the President of the board shall apply to the County Court of Washington county for a writ of *ad quod damnum*, (ten days previous notice being given to the owner of the land, if in the county, and if not, then to be served as other notices are required,) which the court shall award, and under which writ the Sheriff shall act in every respect as if the said writ had been awarded upon a motion to establish a road under existing laws; and upon the damages being assessed and paid over to the owner of the land, or left on deposit for him with the County Court Clerk, the said Trustees shall have full power to open and establish such street or alley as a part of said town: *Provided*, That no such street or alley shall be laid out through any dwelling house or burial ground.

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§ 7. That they, the said Trustees, shall, as the wants of society require, and the means of the treasury allow, grade and pave, or McAdamize, or gravel the streets of said town; and after any such street shall have been so paved, McAdamized, or graveled, they may, by an order of the board, require the owner or owners of any lot or lots fronting on such street, or any other street of said town already paved, McAdamized, or graveled, to grade or pave, McAdamize or gravel the side-walk to the extent of such lot; and on the failure of such owner or owners to comply with such order, the said Trustees may cause the same to be done at their own expense, but shall have a lien on such lot for the reimbursement of the same. Before the Trustees shall cause such work to be done, they shall cause a copy of the order requiring the same to be done, to be posted up at the court house door for two months successively, which shall be deemed actual notice to the owner or owners of said lot; or such owners may be served personally with a copy of the order; and if there be two or more joint owners, a service on one shall be good as to all of them; and if notice of such order be given in either of the modes above indicated, and the owner or owners shall fail to comply with the order of the Trustees, and the latter shall cause such work to be done, they shall cause the cost thereof to be entered upon their books, and shall make an order to the effect, that the Marshal shall levy the same of the estate of such owner or owners; and in virtue of such order the Marshal shall have power to levy on and sell any of the estate of

Trustees duties.

1858.

such owner or owners of such lot, and particularly the lot itself, and shall proceed to sell the same, or so much thereof as may be necessary to pay such cost, in the manner that Sheriffs are by law authorized to sell real estate, and after making such sale, shall convey the title to the purchaser; and the levy, sale and conveyance shall have the effect to pass all the title, legal or equitable, of such owner or owners to the purchaser: *Provided*, That if any such owner shall pay to the purchaser, within one year after such sale, the purchase money and twenty per cent. thereon, he shall be entitled to a reconveyance of the same.

Trustees may pass by-laws.

§ 8. Said Trustees shall have power to pass by-laws for the suppression of tippling-houses, gambling-houses, and such other houses as are the common resort of idle, dissolute, and disorderly persons; and to prohibit all retailers of spirituous liquors from retailing the same; and, by providing and enforcing, by adequate penalties, to punish all riots, disorders, and breaches of the peace, and any indecent and licentious behaviour.

May make by-laws.

§ 9. That said Trustees shall have power to pass by-laws taxing any store, grocery, or retail establishment that may be commenced or opened at any time subsequent to the day fixed for the annual assessment. They shall have power to tax pedlers and auctioneers in addition to the tax now imposed by law, not exceeding one-fourth of one per cent. upon all public sales of goods, wares, and merchandise, and to require them to take out license, under such restrictions as may be necessary to enforce such tax, as well as the power to tax and license agencies of insurance, shows, exhibitions, theatrical performances, concerts, and all places of public amusement where money is charged for admission to the same.

Trustees to appoint officers.

§ 10. That said Trustees shall appoint a Clerk, Treasurer and Assessor of tax, being citizens of said town, whose term of office shall continue one year, unless removed by the board; and the Clerk shall keep a fair record of the proceedings of the board, and may certify copies thereof. It shall be the duty of the board to take from the Treasurer a bond, with good surety, for the faithful performance of his duties as such. The presiding officer of the board shall sign all orders made at any one sitting.

Trustees to grant license.

§ 11. The said Trustees shall have power to tax and exclusive power to license, all taverns, houses of entertainment, retailers, coffee-houses, victuallers, confectioners, and houses of public resort in said town, such sums as they may provide: *Provided*, That the amount taxed upon tavern licenses by the laws of the State shall be paid over to the Clerk of the Washington County Court, as is now provided by law.

§ 12. A Police Judge shall be elected on the first Monday in April, 1858, and every fourth year thereafter, and a Town Marshal shall be elected on the first Monday in April 1858, and every second year thereafter, by the qualified voters of said town, and shall hold their offices until their successors are elected and qualified. The polls of the election of Police Judge and Town Marshal shall be returned to the County Court of Washington county, at the first term of said election. The County Court shall certify the result of the election, so far as the Police Judge is concerned, to the Governor of the State, whose duty it shall be to issue a commission for the person elected to the office of Police Judge, and who shall be a judicial officer, to be styled the Police Judge of the town of Springfield.

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Police Judge to  
be elected.

§ 13. The Police Judge, before he enters on the duties of his office, shall take an oath before some Justice of the Peace, or judicial officer of Washington county, to discharge the duties of his office faithfully and impartially and to the best of his ability, together with such other oaths as other public judicial officers are required to take by law and the constitution. He shall have jurisdiction within said town and town district of civil causes to the same extent that Justices of the Peace now have, or may hereafter have within this State; and shall have the same jurisdiction of crimes and misdemeanors committed within said town and the county of Washington as two Justices of the Peace now have; and shall have full jurisdiction within said town of all offenses against the by-laws and ordinances of said town. He shall have power to issue all necessary process and precepts, enter judgments, and issue executions for all fines and penalties for such offenses, in such manner as Justices of the Peace may now do by law. He shall have power to grant attachments and injunctions to the same extent that the Presiding Judge of the County Court now has. It shall be the duty of said Police Judge to keep a record of his proceedings, copies of which shall be evidence to the same extent, and for the same purpose, that copies of the records of Justices of the Peace now are. He shall have power to issue *subp $\acute{e}$ nas* for witnesses, and other process to compel the attendance of witnesses before him, and to punish all contempts against his authority by fine, not exceeding five dollars in each case. He shall have power to order the Marshal, or other officer, to summon a jury in cases cognizable before him, where a jury is required by law. He shall have power to take and certify depositions as examiners or Justices of the Peace now have under existing laws, and shall be entitled to the following fees, to wit: For a peace warrant, fifty cents; for a warrant in cases of riot, rout, unlawful assembly or breaches

Duties of Po-  
lice Judge.

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of the peace, or disorderly conduct, fifty cents; for a warrant for any violation of a by-law or ordinance of said town, twenty-five cents; for swearing a jury and presiding over a trial, one dollar; for *subpœnas*, twelve and a half cents, each; for original judgments in civil cases, twelve and a half cents; all other fees shall be the same as examiners or Justices of the Peace for like services, and he shall have power to collect his fees in the same way as Justices of the Peace. He shall have jurisdiction of all cases of motions and suits, not exceeding fifty dollars, against the Treasurer, Marshal, Clerk and other officers of said town, for all sums of money received by them, and for which they shall not have properly accounted. For the trial of civil cases he shall hold regular terms in the months of March, June, September and December, in each year, and for other cases may hold his court at any time that an offender may be brought before him, or process returned regularly executed.

Appeals from  
Police Judge.

§ 14. Appeals from all judgments rendered by said Police Judge in civil cases, shall be allowed to any party, under the same rules and regulations and to the same tribunals as appeals are now allowed from judgments of Justices of the Peace.

Fines, &c., how  
appropriated.

§ 15. That all fines recovered for breaches of the by-laws of said town, breaches of the peace, any penalties recovered, and all taxes collected under this act, shall go into the treasury of said town, except as otherwise herein directed.

Marshal—his  
duties.

§ 16. The Marshal shall have the same powers, perform the same duties, and be liable to the same penalties, that Constables of this Commonwealth now by law are, or may hereafter be authorized to perform or be subject to. Before he enters on the duties of his office, he shall take an oath for the faithful performance of his duties in the County Court of Washington county, and shall execute a covenant to the Commonwealth of Kentucky with good surety to be approved of by the said court, faithfully to perform his duties, with conditions similar to a Constable's covenant, upon which suit or motion may be instituted, according to the rules and regulations of law as regards Constables. He shall collect all town taxes and other demands in any other part of the county, and shall be responsible as a Sheriff or Constable is now in such cases; and shall be entitled to such fees for collecting tax as the Trustees shall allow him: *Provided*, That said Police Judge shall have power and authority to direct his process to be executed by the Marshal or any Sheriff or Constable of said county.

Election of  
Trustees.

§ 17. The election of Trustees shall be had under existing laws.

§ 18. The Marshal shall be a conservator of the peace, and may and shall, on his own view, or on reliable information of others, arrest all persons, all rioters guilty of disorderly conduct, and shall safely keep said person by confinement in the jail of the county or otherwise, until such person can be conveniently brought before said Police Judge or Justice for examination and trial, and for this purpose the Jailer shall receive and safely keep all persons placed in his care by the Marshal.

1858.

Duties of Marshal.

§ 19. The Police Judge shall, in like manner, on his own view or information, issue his warrant for the apprehension of all such persons for disorderly conduct or other offenses in said town.

Police Judge.

§ 20. The Marshal shall be allowed the following fees, to-wit: for arresting under a peace warrant, one dollar; arresting under a warrant for a breach of the peace, riot or disorderly conduct, one dollar; summoning a jury in such cases, one dollar and fifty cents; serving a warrant for the violation of the by-laws, fifty cents; in, all other civil and criminal cases, the same fees that Constables are entitled to, except abating a nuisance, in which case he shall have such fees as the Trustees shall prescribe.

Marshal's fees.

§ 21. The Trustees shall have power to pass all necessary by-laws concerning the conduct, regulation and punishment of slaves and free negroes within the limits of said town. The Marshal shall be a patrol of said town, and shall perform the duties thereof for such fees as the Trustees may prescribe, assisted by such other patrols as the Trustees may appoint.

Trustees duties  
as to free negroes and slaves

§ 22. It shall be the duty of the Trustees in case of vacancy produced by death or otherwise in the office of Police Judge or Marshal forthwith to order another election to fill such vacancy, after giving five days notice thereof in writing, posted on the court House door, and said election shall be conducted by the same persons, and in the same way, and at the same place, at which the regular election is held, and the polls to be compared and other necessary proceedings had in the same way as at a regular election.

Vacancies—how filled.

§ 23. When any offense against any of the penal laws of the Commonwealth, or against any of the by-laws or ordinances of said town, shall be committed within the limits of said town, and tried therein, if the offender be found guilty, the officer trying the same shall tax in the cost against such person the sum of two dollars and fifty cents, to go to the Trustees for the benefit of said town; except in such cases as may be exempt from paying such additional cost, by an order of the Trustees.

Cost to be taxed  
against defendant found guilty.

§ 24. The Trustees of said town shall appoint, previous to each election under this charter, two Judges of election, whose duty it shall be, with the Clerk of the

Judges of election to be appointed by trustees.

1858.

Board of Trustees, to preside at the election; and the Clerk of said Board shall give notice of elections by advertising upon the court house door ten days previous to said election; and if said Trustees shall fail to appoint Judges of election, then it shall be the duty of the Clerk to make said appointment; and before the Judges herein named shall enter upon the duties so prescribed, they shall take the oath to perform such duties as required by laws under the constitution.

Approved February 15, 1858.

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#### CHAPTER 504.

AN ACT for the benefit of Jane and Henry, free persons of color, of Letcher county.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky that free Joe, a man of color of the county of Letcher, did in his life time purchase and pay for his wife, a woman of color named Jane, and also purchase from Gilbert Higgins, of said county, his son Henry, and paid for him; and whereas, the said Jane and Henry will, it is believed, escheat to the Commonwealth of Kentucky. For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the said Jane and Henry be entitled to all the rights and privileges that they would have been entitled to had the said Joe made and published a valid last will and testament, declaring and providing that the said Jane and Henry should be emancipated.

Approved February 15, 1858.

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#### CHAPTER 505.

AN ACT to amend an act, approved February 27th, 1856, in relation to a new road in Fleming and Lewis counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That for all arrearages of taxes which have been assessed by virtue of an act, entitled, "an act in relation to a new road in Lewis and Fleming counties," approved February 27th, 1856, the persons against whom the same have been assessed shall have the further time of one year, from and after the passage of this act, in which to pay the same; and the Sheriff or other collecting officer shall not proceed to collect said arrearages until the expiration of the time aforesaid.

§ 2. That for all taxes which may be hereafter assessed under the provisions of said act the persons owing the

same shall have the further time of one year, after the same now falls due, in which to pay the same; and the Sheriff or other collecting officer shall not proceed to collect the same until after the expiration of said time.

§ 3. This act shall take effect from and after its passage.

1858.

Approved February 15, 1858.

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#### CHAPTER 506.

AN ACT to impose a tax upon dogs in Shelby and Hardin counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That every dog in the county of Shelby shall be taxed one dollar, to be paid by the owner of the dog: *Provided*, That every housekeeper shall be allowed one dog free of tax.

§ 2. No slave shall be allowed to own or keep a dog unless such dog shall be taxed as if owned by the master of the slave.

§ 3. The Assessor of the county shall, at the time of assessing the property of the county, ascertain the number of dogs owned by each citizen or individual of the county, and to enable him to obtain this information he is hereby vested with the same powers that he now has by law in assessing property: *Provided*, That every dog about the premises of each housekeeper shall be considered as belonging to such housekeeper.

§ 4. The Sheriff shall collect said tax in the same manner, and for the same compensation, as he now collects the county levy.

§ 5. The proceeds arising from said tax shall create a fund to be held by a Treasurer appointed by the County Judge, and said Treasurer shall give bond with surety for the faithful disbursement of said fund, according to the provisions of this act.

§ 6. The Court of Claims of Shelby county shall constitute a board to investigate the proof and decide as to the loss and value of all sheep killed by dogs in said county during the year next preceding their regular session, and shall, after paying all the expenses necessary for carrying this law into execution, distribute the residue *pro rata* among the owners of sheep so killed, in proportion to their loss, and if there be more than sufficient to pay such loss then the surplus shall go over to the next year.

§ 7. This act shall take effect from and after the fourth Monday in May, 1858: *Provided*, That a majority of those voting in Shelby county shall at the next May election vote in favor of it.

1858.

§ 8. In order to take the sense of the qualified voters of Shelby county on this act the Sheriff of said county shall advertise this act for one month prior to the May election in the Shelby News, and post up at each voting place in said county copies of said act at least two weeks prior to said election, and the officers of said election shall open a column for and against this act.

§ 9. The provisions of this act shall extend to and embrace Hardin county.

Approved February 15, 1858.

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#### CHAPTER 508.

##### AN ACT for the benefit of Charles Hambleton and others.

Whereas, on the 28th day of June, 1851, Francis Peyton, Charles Hambleton, J. A. Hambleton, J. D. Allen, Jo. Allen Peyton, entered into a bond as securities for Simeon Southron, to the Commonwealth of Kentucky, conditioned among other things for the safe keeping and return, in good order, of eighty muskets and accoutrements received from the Quarter-Master General of Kentucky; and whereas the said Simeon Southron has left the Commonwealth, and Francis Peyton has departed this life, and the other securities have returned in good order, at their own expense, all of said muskets except two, which have been accidentally lost. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Francis Peyton, Charles Hambleton, J. D. Allen, J. A. Hambleton, and Jo. Allen Peyton, their heirs, executors, and administrators, be and they are hereby released from all the obligations or liabilities of the said bond. This act to take effect from and after its passage.

Approved February 15, 1858.

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#### CHAPTER 509.

##### AN ACT to authorize the town of Paradise, in Muhlenburg county, to elect a Police Judge and Town Marshal.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the offices of Judge and Town Marshal are hereby created and established in the town of Paradise, in the county of Muhlenburg.

§ 2. That the Police Judge of said town shall be elected by the qualified voters of said town at the same time, and in the same manner, and hold his office for the same term, as the County Judge of Muhlenburg county.

1858.

§ 3. That the Marshal of said town shall be elected by the qualified voters of said town at the same time, and in the same manner, and hold his office for the same term, as the Sheriff of said county.

§ 4. That the jurisdiction of said Police Judge shall be concurrent with Justices of the Peace in all civil cases which arise within the limits of said town, and concurrent with Justices and Magistrates in all criminal and penal cases arising in said county.

§ 5. That the Marshal of said town shall be elected by the qualified voters of said town at the same time, and in the same manner, and hold his office for the same term, as the Sheriff of said county.

§ 6. That the Marshal of said town shall have power to execute any process issued by said Police Judge, as well as any process issued from the Muhlenburg Quarterly Court, but shall have no power to execute any process issued by a Justice of the Peace except in criminal and penal cases.

§ 7. The election of said officers shall be held before the Board of Trustees of said town. The Chairman of the Board of Trustees shall certify the election of the Town Marshal to the Muhlenburg County Court, and the Marshal shall enter into bond with sufficient surety in the County Court, and qualify in the same manner as Constables are required by law to do.

Approved February 15, 1858.

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#### CHAPTER 510.

**AN ACT establishing the streets and alleys in the town of Caseyville.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That D. A. Brooks, James W. Finnie, and James H. Rudy be and they are hereby appointed Commissioners to have the streets, lots, and alleys, of the town of Caseyville re-surveyed, and fix and establish the same, and make durable corners and marks to each street and alley so as to designate them. Said Commissioners shall, in their survey, use the original plat of the town, and fix the marks aforesaid as near the said original survey as possible: *Provided however,* That said new survey shall not conflict with the metes and boundaries of lots deeded in the original survey of said town, and that the lines, so laid off by the said Commissioners, shall be considered the duly established lines of the town.

§ 2. That the Trustees of said town shall have power to employ a Surveyor of the county to run said lines, in conjunction with said Commissioners, and that he be allowed a reasonable compensation for his services, to be paid by the town.

1858.

§ 3. That said Commissioners shall take an oath to faithfully and impartially discharge the duties herein prescribed; and that if any or all of the above named Commissioners shall fail to act, then the Trustees of said town may have power to appoint three Commissioners, to be governed by the provisions of this act.

Approved February 15, 1858.

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CHAPTER 511.

AN ACT to provide a police system for Boone county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That any person who may be found hunting with guns, dogs, nets, or otherwise, on the land of another person, or who may be found picking blackberries within the enclosure of another person, in Boone county, for every such offense shall be fined in a sum not to exceed \$20.

§ 2. All persons are hereby empowered to arrest any person found offending against the provisions of the preceding section; and take him before a Justice of the Peace of said county, for the purpose of having him tried for such offense.

§ 3. Any fine that may be imposed under this act may be collected in the manner prescribed by law for the collection of fines for breaches of the Peace, and the Justices may, immediately upon the rendition of the judgment for a fine, issue a *capias profine* for its collection; and one-third of the fine may be retained by the officer collecting it, and one-third shall be paid by him to the person making the arrest, and one-third shall be paid to the Commissioner of the Jury Fund of said county to aid in paying juries.

§ 4. In every instance the person making an arrest under this act shall pay the Justice before whom the accused is tried one dollar, which may be collected as other costs; and there shall be no other costs; and the person making the arrest shall be competent to prove the offense for which the arrest is made: *Provided*, Nothing in this act shall be construed to authorize a fine against a person who may be able to prove a license to hunt or pick blackberries from the person entitled to the possession of the land upon which the hunting or picking may have been done.

§ 5. This act shall be in force from and after its passage: *Provided*, That the provisions of this act shall not apply to residents of this Commonwealth.

Approved February 15, 1858.

## CHAPTER 512.

1858.

AN ACT to amend the charter of Salvisa, in Mercer county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the charter of the town of Salvisa, in Mercer county, be so amended as to give to the Marshal of said town the jurisdiction of a Constable of the county in the district in which said town is situated.

Approved February 15, 1858.

## CHAPTER 513.

AN ACT to amend an act, entitled, an act to amend the charter of the Glasgow and Scottsville Turnpike Road Company, approved February 29th, 1848.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That William F. Evans, Thomas Ralston, John H. Page, and Robert F. Pulliam, be and they are hereby appointed Commissioners, in addition to the persons named in the second section of the above recited act, and shall have all the powers, and perform the same duties, that are required of the persons appointed by said act: *Provided*, That the notice therein required to be published shall, if published in a newspaper, in Glasgow, or other public manner, be deemed sufficient.

§ 2. That full power and authority is hereby given said Commissioners, or any three of them, to open books for the subscription of stock as provided for in said act; and as soon as a sufficient amount of money is subscribed to finish, by McAdamizing or graveling, five miles of said road. It shall be the duty of said Commissioners to give the notice of the election of officers as directed in the second section thereof; and the subscribers of stock, as aforesaid, shall constitute a company with all the powers, rights, and privileges conferred by the provisions of said act; and may after the organization of said company, re-open books for the subscription of stock till enough is raised to complete the same: *Provided*, That if said road is not completed within ten years from the time of the organization of said company said road, and all the stock subscribed under this act, shall be forfeited to the Commonwealth.

§ 3. The General Assembly hereby reserve the right to alter or amend this act at any time.

Approved February 15, 1858.

1858.

## CHAPTER 514.

AN ACT establishing an additional election precinct in Caldwell County.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an additional election precinct be and is hereby created in the county of Caldwell, bounded as follows: Beginning at the Christian county line, near to Thomas Copeland's, in Caldwell county; thence to Wm. Nichol's; thence to David Eisons; thence to John Lamb's, Jr.; thence to John Lamb's Sr.; thence to Thomas B. Waddington's; thence to Samel Campbell's, on the turnpike road leading from Princeton to Hopkinsville; thence to Thomas Matlock's; thence to Francis Martin's; thence to Harmony meeting house; thence to John F. Baker's, striking the Trigg county line near said Baker's; thence south the line of Trigg and Christian counties to the beginning. And the place of voting in said district be at the house of Cader Mitchell. An election shall be held in said district on the first Saturday in May next for two Justices of the Peace and a Constable, according to the provisions of law regulating such elections, and thereafter at the regular elections for such officers in the State.

Approved February 15, 1858.

## CHAPTER 515.

AN ACT to incorporate T. N. Wise Lodge, No. 349, of Free and Accepted Masons, in Mercer county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members of T. N. Wise Lodge, of Free and Accepted Ancient York Masons, in the county of Mercer, be and they are hereby created a body politic and corporate, by the name and style of "T. N. Wise Lodge, No. 349, of Free and Accepted Ancient York Masons," with perpetual succession; and by that name and style shall have perpetual succession, and be capable to receive and hold by gift, grant, purchase, or devise, any number of acres of land not exceeding twenty-five, and any kind or quantity of personal estate, and to sell, exchange, and convey the same at pleasure; to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this State; and to have and use a common seal, and the same to renew or alter at pleasure.

§ 2. That the management of the concerns of said corporation shall be confined to the Master and Wardens and their successors as Trustees thereof, who, or a majority of them, shall have power to make all contracts pertaining to the real and personal estate in any respect, either in

purchasing, building, renting, selling, or for any other purpose, which shall be binding and obligatory upon said Lodge, when made in pursuance of the by-laws and instructions of said Lodge; and service of process on any one of the Trustees shall be sufficient notice to said corporation.

§ 3. That said Lodge may at any time, pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as may be necessary for the protection, management, and safe-keeping of the property of said Lodge.

§ 4. The General Assembly reserves the right to alter, amend, or change this act at pleasure.

Approved February 15, 1858.

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#### CHAPTER 516.

##### AN ACT relating to the Craddock Fund.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall and may be lawful for the County Court of Warren county to levy and collect from the tithables of said county, a sum sufficient to pay any agent they may select and appoint for the disbursement of the interest upon the Craddock Fund, such compensation for the services of such agent as said court may determine to be reasonable.

§ 2. That the Trustees of the town of Bowlinggreen may contract with and receive from the Trustees of the Craddock Fund the whole, or any part of said fund, in the same manner, and upon the same terms that are now applicable by law to the County Court of Warren county —such contract to be signed by the Trustee of the Craddock Fund and the Chairman of the Board of Trustees of said town, and admitted to record in the Clerk's office of the Warren County Court; and the same shall be obligatory upon the Trustees of said town, and their successors in office, forever.

Approved February 15, 1858.

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#### CHAPTER 517.

##### AN ACT to amend the charter the Henderson and Nashville Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The President and Directors of the company shall have power to make any arrangements, and enter into articles of agreement, with any railroad company, for the

May make contracts with other companies.

1858.

running of cars, engines, or trains over their roads, or for any other purpose; and with the consent of a majority, in value, of the stockholders, may consolidate their business or interests with such other company so far as may be deemed expedient and mutually beneficial to themselves and the public.

*May construct branch roads.*

§ 2. The President and Directors of the company, with the consent of a majority, in value, of the stockholders, shall have the same power to construct branch roads which their charter gives them to construct the main line, and with the same rights and privileges, and with the same duties and restrictions.

*May issue preferred stock.*

§ 3. The President and Directors of the company shall have full power and authority to issue preferred stock to the amount of one million dollars, with such conditions and restrictions as they may deem necessary for the construction of the main road or branches.

Approved February 15, 1858.

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#### CHAPTER 518.

**AN ACT to incorporate the Jefferson Southern Pond Draining Company.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

*Corporators.*

§ 1. That Elisha Standiford, E. G. Minor, J. W. Davis, Jno. McGonigal, Squire Lochery, and Richard Phillips, and their associates, shall and they are created a body politic and corporate, by the name and style of the "Jefferson Southern Pond Draining Company," and as such shall have corporate existence, with power to sue and be sued, contract and be contracted with, and do and perform all acts and things necessary and proper to carry out the draining the ponds, and providing for carrying off the water, within the space of country that shall be embraced within the boundary of said corporation as hereafter provided.

*Owners of land members.*

§ 2. That all the owners and proprietors of lands within the boundary of said corporation shall be members of said corporation, and have the right of voting for the President and Directors of said corporation, according to the by-laws thereof, and also to authorize an annual tax, per year, of not more than fifty nor less than five cents per acre, to be rated and charged upon said lands in proportion to the benefits conferred, to effect the draining the ponds and lands within the boundary of said corporation.

*Board of Directors.*

§ 3. That the persons named in the 1st section of this act shall be the first Board of Directors of said corporation, with the right to select one of their own body as

President, or some other person holding pond lands to be benefitted by the drainage of the ponds and country, contemplated by this act; and said President and Directors shall exercise all the powers of the corporation, and supply all vacancies in their body until their successors shall be elected in accordance with the by-laws; and their successors shall have the same power and authority.

§ 4. That it shall be the duty of said President and Directors to cause a survey of the outward boundaries of the lands to be benefitted by the draining, with a plan for draining the same, and call a meeting of all the proprietors of lands within the boundary, by giving public notice of the time and place thereof in two newspapers printed in Louisville, at least two weeks; and said proprietors shall have a right to accept this charter, and petition the Circuit Court of Jefferson to establish the boundary of the corporation; and said court, on receiving said petition, shall have the power to establish the same, or to modify the same if good cause to that effect shall be shown by the proprietors of land residing within the boundary; and for the purpose of giving an opportunity of obstructing the same, the boundary shall first be established for one month after the petition is filed, and public notice given as the court shall direct.

*Survey to be made.*

§ 5. That at said meeting of the proprietors of lands, after accepting the charter, they shall establish a code of by-laws for the government of the corporation. The President and Directors shall keep a record of their proceedings, and that of the proprietors, in which the charter and the code of by-laws, and all the acts of the corporation and proprietors, shall be recorded.

*By-laws to be established.*

§ 6. That the Jefferson Southern Pond Draining Company shall have all the power and authority vested in the Jefferson Pond Draining Company, by its charter and amendments, to raise money by taxation on the lands of the proprietors within the boundaries of said corporation, from year to year, and the same power to collect or have the same collected by the Sheriff of Jefferson, that was vested in the Jefferson Pond Draining Company. They may obtain money for the objects of the company by subscription from those within or without the boundary.

*General powers and privileges.*

Approved February 15, 1858

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#### CHAPTER 519.

AN ACT to incorporate the North Kentucky Agricultural Association.

Whereas, divers persons of the counties of Mason, Fleming, Lewis, &c., have organized an association, under the name and style of the "North Kentucky Agricul-

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tural and Mechanical Association," to promote improvement in the science and art of agriculture and mechanics, in all their branches, relations, and interests; in horticulture and floriculture; in the breeds of all useful domestic animals, poultry, &c., &c.; in education with reference to the elevation, dignity, and efficiency of agricultural and mechanical pursuits in their relations to commerce; to advance household industry, manufactures, and rural economy, and generally to disseminate useful knowledge upon those subjects, and to exalt the minds, morals, and interests of all industrial classes of men; and for those purposes have adopted a constitution and by-laws, chosen a President, Vice Presidents, and Directors, to control and manage the affairs of the association, and desire an act of incorporation. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Name and style.**

§ 1. That said association be and it is hereby created a body politic and corporate, with perpetual succession, under the name and style of the "North Kentucky Agricultural and Mechanical Association;" and by that name may contract and be contracted with, sue and be sued, defend and be defended, plead and be impleaded, in all courts of law and equity having jurisdiction; and shall be capable of acquiring and holding, by purchase or otherwise, any land not exceeding one hundred and fifty acres, and may improve, sell, and convey the same, or any part thereof, at pleasure; and may acquire the use and occupancy of grounds for a term or terms of years by contract, lease, or otherwise, and may acquire and hold and dispose of such personal estate or property as the President, Vice Presidents, and Directors of said association may deem necessary and proper, and do any other act that will contribute to advance the object and intent of the association; and all acts heretofore done and performed by the President, Vice Presidents, and Directors of said association, in anticipation of, and in accordance with, the powers conferred by this section, are hereby legalized and made as effectual, in law, as if done after the passage of this act; and adopt, and use, and change the same at pleasure, a corporate seal, or use the private seal or scroll of the President in the mean time.

**Capital stock.**

§ 2. That the capital stock of this association shall be nine thousand eight hundred and twenty-five dollars, in shares of twenty-five dollars each, for such as are already taken and paid in; and if at any time the Board of Directors, by instructions from the stockholders expressed at any regular or legally called meeting of the same, shall think it advisable to enlarge the capital stock to an amount not exceeding twenty-five thousand dollars, they are hereby authorized to do so, in such manner, and at

such rates per share, as the association, at such regular or called meeting, shall direct—a majority of those present concurring. All stockholders must have paid in the amount of their stock before they will be entitled to any privileges as stockholders. The stock of the association shall be held to be personal property, and shall be transferrable on the books of the company only in such manner as the Board of Directors shall direct.

§ 3. That the President, Vice Presidents, and Directors already chosen shall continue in office until the 2nd Monday in May, 1858, and until their successors are duly elected and qualified. An election, however, of a President, three Vice Presidents, and nine Directors shall be had on the 2nd Monday of May, 1858, by the qualified stockholders of the association, either in person or by written proxy, and annually thereafter in the same way, on the same day, unless the stockholders of said association, at such annual election, a majority concurring, shall, by resolution, fix upon a different day; and they may, at their annual election, in the same way, reduce or increase the number of Vice Presidents or Directors. Notice of such annual meetings, and their place and object, shall be given by the President through the newspapers published in the city of Maysville, for at least two weeks preceding the same; and in case of called meetings, for any of the purposes contemplated in the 2nd section of this act, notice shall be given in the same way for at least three weeks preceding the day fixed for such called meetings.

§ 4. That the prudential, fiscal, and other concerns of this association, together with all of its property and estate of every kind whatsoever, shall be under the control and management of the President, Vice Presidents, and Directors aforesaid; and they shall have power to appoint, and prescribe their duties, a Treasurer, Secretary, Assistant Secretary or Secretaries, and such other officers as they may deem necessary to carry on the business of the association, and contribute to the good order and management of the same. They shall require bonds and security from the Treasurer and Secretaries, and such other officers as they may see proper, for the faithful discharge of their duties. They shall have power to make and adopt such constitution, by-laws, rules, and regulations, not inconsistent with the laws of this Commonwealth, as in their opinion will contribute to the good order, proper management and prosperity of the association, and may, from time to time, modify or repeal the same at their pleasure; and the constitution and by-laws of the association now in force, not inconsistent with the laws of this Commonwealth, shall be and remain in power until repealed, altered, or amended, as aforesaid. They shall

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President and  
Directors—term  
of office.

In whom pro-  
perty, &c., is  
vested.

1858.

have power, and such power is conferred upon them alone, to contract and be contracted with, for the association, in its corporate name; and in such capacity they may do any and every other act, not inconsistent with the laws of this Commonwealth, which, in their opinion, will contribute to advance the objects of the association; they shall have power, also, to fill such vacancies in office as may occur during their term of office.

## Quorum.

§ 5. That any five Directors, together with the President or one of the Vice Presidents, or any six Directors without the President or a Vice President—electing one one of their number President *pro tem.*—shall be a quorum for the transaction of business, unless the association, at some regular meeting, shall fix on a different number.

§ 6. That the Board of Directors shall have power to fix the amount to be paid for entrance at the gates of the fair grounds, and that any person who shall, during the days on which the annual or other fairs are held, attempt to, or enter the said grounds of the association clandestinely, or in any other manner than at the regular gates, after first having paid the regular gate fee, or being privileged to do so by order of the Board of Directors, or of using any other shift or devise whatever to defraud the association out of their regular gate fees, shall, upon conviction thereof before any Justice of the Peace of Mason county, be fined not less than five nor more than ten dollars, the collection thereof to be enforced by execution or *capias pro fine.*

Liquors, &c.,  
not to be sold  
on grounds.

§ 7. That during the days on which the association shall hold its annual or other fairs, no person shall, without the consent of the Board of Directors of the association erect upon the fair grounds of the association, or within one mile of the boundary thereof, any stall, booth, or shed, nor sell any confectionaries, cakes, ale, beer, or refreshments of any kind, drugs, nostrums, goods, wares, or merchandize, or any spirituous, vinous, or malt liquors, or exhibit any show, circus, managerie, or theatrical performance, without the consent of said Board; and any person who shall violate any of the provisions of this section shall, upon conviction thereof before any Justice of the Peace of Mason county, be fined in a sum not less than ten nor more than fifty dollars, the collection thereof to be enforced as provided in section sixth of this act, and it is made the duty of the police, gate-keepers, and other officers which the Board of Directors may appoint, to see that the provisions of this and the preceding section are not violated, and they are authorized and empowered to enforce the same, and to maintain order, quell all disturbances of the peace, and generally to see that order and decorum prevails during the time of hold-

ing the annual and other fairs, and at any other time that their services may be required to carry out and enforce the rules and regulations of the association. All fines for violations of this and the preceding section, and all fines for breaches of the peace and other offenses committed upon the fair grounds during the annual or other fairs, shall be for the benefit of the association.

§ 8. That said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any debt or debts heretofore as well as hereafter created by its authority, and shall have power to sue for and collect any subscriptions heretofore made, or other demands justly due them, as fully as though the same had been contracted after the passage of this act.

§ 9. That this act shall take effect from its passage.

Approved February 15, 1858.

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Liable for debts.

#### CHAPTER 520.

AN ACT for the benefit of Robert D. Murray, Common School Commissioner for Hart county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Robert D. Murray, Common School Commissioner of Hart county, is hereby allowed to amend his report for the year 1858; and the Auditor is hereby directed to draw his warrant in favor of said Murray for whatever sum may be due to common school district No. 26, in Edmonson county, a part of which district lies in Hart county, in which district a school was taught, but the full number of children in said district through mistake was not reported: *Provided*, That the money so drawn shall be taken out of the common school fund belonging to Hart county.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

#### CHAPTER 521.

AN ACT refunding to R. Quisenberry the amount of tax overpaid by him in 1857.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury in favor of R. Quisenberry, Sheriff of Clarke county, for the sum of twenty-seven dollars and ninety cents, the amount of tax overpaid by him in 1857.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1858.

## LAWS OF KENTUCKY.

1858.

### CHAPTER 522.

AN ACT to amend the charter of the Covington and Taylor's Mill Road Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Covington and Taylor's Mill Road Turnpike Company be and are hereby empowered and authorized to erect a toll gate on their turnpike, before they put the metal on said road, but they shall only charge one-half the rate of toll now allowed by law until they shall have placed the metal on said road, and have completed the same according to the original charter: *Provided*, That said toll-gate shall not be placed nearer than three-fourths of a mile south from the point known as Cole's Tavern.

§ 2. That this act shall take effect from its passage.

Approved February 15, 1858.

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### CHAPTER 523.

AN ACT to charter McAfee Lodge, No. 229, Free and Accepted Masons of Cornishville, Mercer county

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members of McAfee Lodge, No. 229, of Free and Accepted Masons, of Cornishville, in Mercer county, be and they are hereby created a body politic and corporate, by the name and style of "McAfee Lodge, No. 229, of Free and Accepted Masons;" and by this name they shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, of answering and being answered, of purchasing, receiving, and holding, all such real and personal estate as said corporation or Lodge may desire for their use; to receive all necessary conveyances; to sell, convey, and dispose of all such real and personal estate as they may now have or may hereafter acquire: *Provided*, That the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed five thousand dollars.

§ 2. That the present Master, Wardens, Secretary, and Treasurer of said Lodge, and their successors in office, are hereby constituted Trustees of said corporation, a majority of whom shall have full power to make any and all contracts whatever pertaining to the real and personal estate, either in purchasing and receiving, selling and conveying, building, renting, or for any other purpose connected with the business or interest of said Lodge or corporation, which contracts shall be binding and obligatory upon said Lodge, when made in pursuance of its rules, by-laws, and restrictions; and service of process or notice

on said Trustees shall be sufficient notice to said corporation.

§ 3. That said Lodge may at any time, pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this State, or of the United States, as may be necessary for the protection and management of its property.

§ 4. The Legislature reserves the right to change, amend, or repeal this charter.

Approved February 15, 1858.

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#### CHAPTER 524.

AN ACT for the benefit of Robert D. Murray, Common School Commissioner for Hart county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Robert D. Murray, Common School Commissioner for Hart county, is hereby allowed to amend his report for the year 1856; and the Auditor is hereby directed to draw his warrant in favor of said Murray for whatever sum may be due to Common School District No. 54, in Hart county, in which district a school was taught but which fact, through mistake, was not reported.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

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#### CHAPTER 525.

AN ACT to incorporate the Harrison Female Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John S. Boyd, Joseph M. McIntosh, M. Bliss, James R. Curry, and W. W. Cleary, and their successors in office, be and they are hereby constituted a body politic and corporate, under the name and style of the "Harrison Female Academy;" and by that name shall have a common seal, with power to contract and be contracted with, sue and be sued, plead and be impleaded in the several courts of this Commonwealth; and to ordain and enforce such by-laws, for the management of said institution, as they may deem proper: *Provided*, The same be not inconsistent with the constitution and laws of this State or the United States.

§ 2. The said Trustees shall have power to confer on the pupils of said Harrison Female Academy any and all degrees which are usually conferred by the best incorporated Female Colleges or Seminaries of this Commonwealth.

Approved February 15, 1858.

1858.

1858.

## CHAPTER 526.

## AN ACT to amend an act incorporating Minerva Seminary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

*Name changed.*

§ 1. That the literary Institution established at Minerva, Mason county, Ky., incorporated by an act approved March 10, 1856, under the name and style of "Minerva Seminary," be hereafter known as the "Minerva Male and Female College."

*Trustees, &c.*

§ 2. That Wm. H. Robertson, Samuel Forman, Thomas C. Newcomb, James S. Pepper, and Samuel Frazee, the present Trustees of said Seminary, be and they are hereby constituted a body corporate and politic, to be known as "The Board of Trustees of the Minerva Male and Female College;" and as such they and their successors shall be and they are hereby invested with all the powers and privileges conferred by the act incorporating Minerva Seminary, with such additional powers as are granted by this act of amendment.

*Powers and du-  
ties of Trustees.*

§ 3. That it shall be the duty of the Board of Trustees to watch over the said college, as its constitutional guardians; to advise with the President and Faculty in relation to its government, the course of study, manner of teaching, the conferring of degrees, and whatever else may tend to the welfare of the Institution and the interests of the students. It shall be their duty to visit the college from time to time, and to attend the semi-annual examinations. There shall be a stated annual meeting of the Trustees on or immediately before the day of the annual commencement of said college, due notice of which shall be given to each member of the board by the chairman thereof, at least one week before each commencement day.

*Trustees to ap-  
point officers &  
teachers.*

§ 4. That the Board of Trustees shall determine and fix, from time to time, the number of Officers, Professors, and Teachers of said college, and to establish new professorships and offices, and to abolish those which may have been established, and to employ, designate, and appoint or remove a President, Professors, Teachers, and other officers for the executory control and management of the internal affairs of said college, to be known and designated as the "Faculty of the Minerva Male and Female College." The Trustees shall also have power to authorize, in said college, the establishment of a library, lyceum, and literary societies, and to prescribe, in their by-laws, the mode of government, and of the prosecutions of such persons as are guilty of the infractions of the regulations adopted for the good government of the same.

*Faculty to have  
control of stu-  
dents, &c.*

§ 5. The President and Faculty of said college shall have the oversight, care, and instruction of the students, subject to the by-laws of the Trustees, and with the ad-

vice and concurrence of the Board of Trustees may establish and regulate the course of study, confer degrees, and give diplomas, which shall be as valid as those conferred by any other college or university of this State.

§ 6. That the annual commencement of said college shall be about the 1st of July of each year—the time to be fixed and published by the Board of Trustees, who shall by their by-laws fix, also, the time of the semi-annual examinations, the vacations, the tuition of students, and the compensation of the resident Professors and Teachers in said college.

§ 7. That said college shall have connected with it a primary and preparatory department, to be under the control of the said Trustees, which shall be deemed a common school, and enjoy all the privileges and be subject to the same restrictions, as are specified in the act to which this is an amendment.

§ 8. That the provisions of the aforesaid act of March 10, 1856, incorporating Minerva Seminary, conflicting with this amendment, be and the same is hereby repealed, all other provisions of said act to remain in full force and effect, and to be applicable to said college.

§ 9. That this act shall take effect from its passage. The General Assembly reserves the right to repeal or amend this act at any time hereafter.

Annual commencement.

Primary department.

Repealing clause.

Approved February 15, 1858.

#### CHAPTER 527.

AN ACT to incorporate the Elizaville and Fairview Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company shall be and the same is hereby created and established, under the name and style of the "Elizaville and Fairview Turnpike Road Company," for the purpose of constructing an artificial road, on the Mc-Adam's plan, from Elizaville to the Maysville and Lexington turnpike, to enter said turnpike at some convenient point in Fleming county, the route to be selected by the Directors.

Name and style.

§ 2. The capital stock of said company shall be forty thousand dollars, to be increased or diminished as the Board of Directors may determine, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. A book for the subscription of stock in said company shall be opened at any time after the passage of this act, at such place as may be most convenient, under the direction of Saml. Blair, L. D. Williams, Mason Caywood, Nelson McCord, W. Case, A. B. Vansant, and Jno. S.

Commissioners.

1858.

**Obligation.**

Daniel. That said Commissioners, or any one or more of them appointed by this act to open a book for the subscription of the capital stock of said company, shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereunto subscribed, do respectively promise to pay to the President, Directors, and Company of the Elizaville and Fairview Turnpike Road Company, the sum of fifty dollars for each and every share of stock in said company set opposite to our names, in such manner and proportions, and at such times, as shall be required by the President and Directors of said Company." Which amount shall be collectable in the proper courts.

**Books to be kept open.**

§ 4. The book or books of subscription of said stock shall remain open until the whole of the capital stock shall have been taken, or enough to complete the road; and persons may subscribe at any time until the book or books are closed.

**Meeting to be called.**

§ 5. So soon as one hundred shares in said company be subscribed it shall be the duty of said Commissioners, or some one of them, to give notice of a meeting of the stockholders of said company to meet in Elizaville, for the purpose of choosing officers—said notices to be put up at three of the most public places on the contemplated road ten days previous to said meeting—at which election at least two of said Commissioners shall be present, who shall proceed to take the votes by ballot, in person or by proxy, of said stockholders, each stockholder having one vote for every share so held for a President and five Directors, who shall hold their offices for one year, and until their successors are duly elected and qualified. The time and place for all elections after the first shall be fixed by the President and Directors of said company for the time being. A majority of the Commissioners shall be competent to transact all business. The President and Directors shall, before they enter upon the duties of their offices, take an oath before some Justice of the Peace that they will faithfully discharge the duties of their respective offices, without favor or affection, according to the best of their judgment. After being qualified they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold his or their offices for one year, and until others are appointed, but removable at the discretion of the President and Directors. The Treasurer of said company shall, before entering into the duties of his office, give such bond and security and penalty as the President and Directors may desire—and the obligation made payable to them—conditioned that he will faithfully discharge the duties of Treasurer of said company, and that he will, when called on, pay the

amount of money in his hands to the order of the President and Directors, and that he will perform the duties required of him by the by-laws of said company.

1858.

When company  
is organized.

§ 6. The President and Directors, when elected and qualified as aforesaid, shall be a body corporate and politic, in fact and in law, by the name and style of the "Elizaville and Fairview Turnpike Road Company;" and by the same name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, conveying, in fee simple, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever; and also to have a common seal, and to do all and every other matter or thing which a body politic or corporate may lawfully do.

Powers, &amp;c.

§ 7. The said President and Directors, upon entering upon the duties of their offices, may call upon the stockholders for the payment of such sums on each share, and at such times, as they in their discretion may deem expedient.

Calls on stock.

§ 8. No person shall be eligible to hold any office in this company who is not a stockholder at the time of election; and if, after an election, any officer of said company shall cease to hold stock, his office shall be considered vacant, and the remaining portion of the board shall, by appointment, fill such vacancy until the regular annual election. A majority of votes cast shall elect.

§ 9. The President and Directors first chosen shall deliver a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of the corporation, to each stockholder for each share by him or her subscribed and held, which certificate shall be transferrable on the books of said company, in person or by attorney, but no share shall be transferred until all arrearages are paid thereon.

Meetings maybe  
called.

§ 10. The President may call meetings of the Directory at such times and places as he may think proper; a majority of all the Directors shall be necessary for the transaction of business; they shall keep a record of all their proceedings, to be entered in a book provided for that purpose, and shall be signed by the President, and in case of his absence the Directors shall elect one of their own number *pro tempore*; they may adjourn from time to time as they may think proper.

§ 11. The President and Directors have the right and are hereby authorized to take the consent, in writing of

May acquire  
right of way.

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any and all persons who may be disposed to grant the right of way for said turnpike, the use of rock and timber for building the same, without charge, which being so given shall be binding to all intents and purposes. They may agree with and appoint surveyors, engineers, superintendents, artists, and officers as they may deem necessary to carry on the work; to fix their salaries and wages; and to do all such other matters and things as, by this charter and the by-laws of the corporation, they are or shall be required to do.

*Lands and materials may be condemned.*

§ 12. The President and Directors are hereby authorized, together with the surveyors and engineers, &c., to enter in and upon the lands and enclosures, public roads, and highways in, through, and over which said intended road may be thought proper to pass, and examine and survey the ground for the purposes here intended, and to examine the quarries, beds of stone and gravel, and other materials necessary for the construction of the said road.

*Delinquent stock.*

§ 13. If any stockholder shall refuse or neglect to pay his proportion of the stock for thirty days after the time set for the payment thereof, every such stockholder, in addition, shall pay at the rate of one per cent. per month on the instalments so called, from the time the call was made, for every delay of such payment; and if such payment shall be delayed six months after the time set for payment such delinquent shall forfeit such share or shares to the corporation, together with all that may have been paid thereon; and the President, by order of the Directors, shall sell the said share or shares at public auction, having given ten days notice: *Provided*, The same will bring the balance due on said share or shares: *And, provided*, That no stockholder shall vote at any election, or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable, as aforesaid, on the share or shares by him or her held, shall have been paid agreeably to the requisitions of the President and Directors.

*Right of way and materials may be condemned.*

§ 14. When the right of way, or for materials cannot be obtained by contract the same may be condemned under the provisions of sections 29, 30, 31 and 32, of chapter 103, of the Revised Statutes, entitled, "Turnpike and Plank Roads."

*When gates may be erected.*

§ 15. When five miles of said road shall be completed the said company may construct and erect a turnpike gate, and for each mile of road made thereafter they may charge toll proportionably; and they may have gates at each five miles, or charge tolls for each five miles their road may be travelled, should they find it necessary to locate gates at shorter distances than five miles, or a less number than each five miles.

§ 16. The width of grade and rock to be put on said road shall be left to the discretion of the President and Directors; also, the elevation of said proposed road.

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Width of road.

§ 17. That if any person, with intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any grounds or lands near to or adjoining the said road, so as purposely to avoid paying toll, or shall practice any device to defraud the just payment of the toll by entering or traveling upon said road with any animal or burthen wagon, or other vehicle, and avoiding the toll-gate or gates by turning out in by-paths and private ways, so as to defraud said company thereby, such person or persons, so offending, shall, for every such offense, forfeit and pay to the President and Directors the sum of five dollars, recoverable before any Justice of the Peace in like manner as other debts of equal amount, in the name of the President and Directors.

Penalty for avoiding gates.

§ 18. The President and Directors shall keep a fair and correct account of all moneys which shall be received by them from the subscribers of said company; also, of all moneys expended by them in the prosecution of said work, and all costs, charges, and expenses of said road shall be paid and discharged, and the sum total, when ascertained, shall be entered on the books of the Treasurer. The aforesaid officers shall, at the end of every six months after the first portion of said road shall be completed, and every six months thereafter, make out a balance sheet for the inspection of the stockholders, and make dividends of the clear profits, if any, and pay the same to the stockholders. The said President and Directors shall cause printed bills of the rates of toll be posted up on or near the toll-gates on said road.

Records to be kept.

§ 19. The President and Directors shall take bond, with good security, from the toll-gate keeper and other persons employed by them, for the faithful discharge of the duties to them respectively committed or assigned, which bonds they may cause to be renewed whenever they may deem necessary, and shall be payable to the President and Directors and Company as aforesaid.

Gate keepers to give bond.

§ 20. That it shall be lawful for the President and Directors of the aforesaid company, for the more perfect good government of the same, to make any set of by-laws, not inconsistent with the provisions of this act, and the constitution and laws of the State of Kentucky. The rates of toll shall be the same as regulated by provisions of the general turnpike road laws.

May make by-laws, &amp;c.

§ 21. That the last section of an act to incorporate the Elizaville and Blue Lick turnpike road company apply to and be part of this act.

Approved February 15, 1858.

1858.

## CHAPTER 528.

AN ACT to amend the charter of the Bracken Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Trustees of the Bracken Academy Fund, consisting of seven, one from each Magistrates' district in Bracken county, shall be elected by the legal voters in said county at the next general election, by the respective districts; and should there be more districts made, or be reduced in number then one from each district.

§ 2. That it shall be the duty of each Trustee, so soon as he shall receive a certificate of his election, to take an oath to faithfully perform the duties of Trustee required by law.

§ 3. That said Trustees shall have full power to make settlements, from time to time, with the present Board of Trustees; and they are hereby authorized to receive all moneys, books, papers, and choses in action, of every description belonging to said fund, and to coerce the same by law or equity, and do all other acts necessary to carry into effect the powers herein granted them.

§ 4. They shall have power to appropriate so much of said fund as may be necessary to erect a suitable building for academical purposes, and may erect it at any place in the county that they may deem most eligible, (a majority of the board concurring,) and the balance of said fund to be applied to the use of said Academy.

§ 5. That all laws now in force, in relation to the said fund, inconsistent with this act, is hereby repealed, and that that is not repealed shall be applicable to this Board of Trustees.

§ 6. That for the purpose of carrying this act into effect the Sheriff shall, at the next regular election, cause a poll to be opened at each voting place in the county for the election of Trustees as aforesaid, and make due return of said vote, as in other elections, under the same pains and penalties; and the Commissioners that compare the polls shall make out a certificate of election to those receiving the highest number of votes in each district for Trustee.

§ 7. That this act to take effect from and after its passage.

Approved February 15, 1858.

## CHAPTER 529.

AN ACT to incorporate the Danville Female Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established and incorporated, within the limits of the town of Danville, Boyle county,

Kentucky, an institution under the name and style of the "Danville Female Academy;" and that V. E. Kertly, F. S. Fisher, Thos. Hutchinson, Anderson Rice, H. R. Young, James Heath, Allen Cook, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of the "Trustees of the Danville Female Academy," by which name they shall have perpetual succession, and a common seal, with power to change the same at pleasure.

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Trustees.

§ 2. The said Trustees, and their successors in office, shall have power to acquire and hold, for the benefit of said institution, by donation, devise, or purchase, any lands, tenements, money, or other property, real, personal, or mixed, not exceeding the sum of twenty-five thousand dollars; to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of competent jurisdiction.

May acquire property.

§ 3. The capital stock of said Academy shall be divided into shares of twenty-five dollars each, to be paid as the by-laws of the same shall direct, which stock shall be a perpetual fund for the purpose of education, but no dividend shall ever accrue therefrom to any stockholder, nor shall said fund be ever applied to any purpose not herein specified.

Capital stock.

§ 4. The persons named as Trustees in the first section of this act may elect, from their own body, a President, Treasurer, and Secretary, who shall discharge the duties that may, from time to time, be required of them by the said Trustees. Said Trustees shall also have power to make all needful rules and regulations, for the proper management of said institution, and the regulation of the same, not inconsistent with the constitution and laws of this State or the United States. They shall have power to employ any officers, agents, and teachers, fix salaries, and regulate their payment, and to manage the affairs of said institution agreeably to its charter and by-laws; to confer degrees of honor and merit, and diplomas of graduation in literature, science, and arts. They may prescribe whatever course of studies they may deem best. They may have power to fill vacancies in their own body, and shall hold their office for one year after their election, and until their successors in office are elected; and an election shall be held annually by the stockholders of said institution, for the purpose of electing Trustees for the same; and at such elections each share of stock shall entitle the holder, either in person or by written proxy, to one vote.

Officers to be elected, their duties, &amp;c.

§ 5. This act shall take effect from its passage.

Approved February 15, 1858.

1858.

## CHAPTER 530.

AN ACT to incorporate the Keizer's Station and Clay Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:***Corporate name and style.**

§ 1. That a company is hereby created, under the name and style of the "Keizer Station and Clay Turnpike Road Company," for the purpose of making a McAdamized turnpike road from Keizer's Station, on the Covington and Lexington Railroad, to the Georgetown and Paris Turnpike Road, at or near the residence of the late Joseph H. Clay, in Bourbon county.

**Capital stock.**

§ 2. That the capital stock of said company shall be \$20,000, to be divided into shares of one hundred dollars each.

**Commissioners.**

§ 3. That books for the subscription of stock in said company shall be opened on the 1st Monday in April in the town of Paris and at Keizer's Station, under the direction of Allen Keizer and F. B. Taylor, at Keizer's Station, and of George Moore and Eli Current, at Paris, and may be kept open as long as they shall deem advisable. Subscribers of stock shall enter into the following obligation: "We, whose names are here subscribed, promise to pay the President, Directors, and Company, of the Keizer's Station and Clay Turnpike Road Company the sum of one hundred dollars for every share of stock in said Company set opposite to our names, and to be paid as called for by said Company. Given under our hands this — day of April, 1858.

**May call meetings.**

§ 4. That as soon as five thousand dollars shall be subscribed the said Commissioners shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and three Directors, who shall hold their offices for one year, and until others shall be duly elected and qualified. The President and Directors shall, before they enter upon the duties of their offices, take an oath before some Justice of the Peace that they will faithfully perform the duties of their offices, according to the best of their judgment. A Treasurer shall be appointed by the Board of Directors, who shall give bond with ample surety, in a proper penalty, payable to the President and Directors, conditioned that he shall faithfully discharge the duties of his office as Treasurer, and that he will, when called on, pay the amount of money, or any part thereof, in his hands to the order of the Board of Directors, and that he will perform the duties required of him by the by-laws of the company.

**When company is organized.**

§ 5. That upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the

name and style aforesaid; and by said name shall have perpetual succession, and shall be capable of taking and holding their capital stock, and the profits thereof, and of purchasing, taking, and holding, to them and their successors, and of selling and conveying, in fee simple, all such real and personal estate as may be necessary to enable them to prosecute and carry out their work into successful completion; to sue and be sued, to defend and be defended in all courts of law, and to have a common seal, and do all and every matter and thing which a body politic and corporate may lawfully do.

§ 6. That in the location of its road they shall be confined to the route and ground on which the present dirt road from Keizer's Station to Joseph H. Clay's residence, or near the same, on the Georgetown and Paris Turnpike Road runs, unless the owners of land may consent to a change of the route. The width of the road shall not be less than thirty-five feet; and the metal on the same shall not be less than fifteen feet in width.

§ 7. That the provisions, from the fifth to the thirty-fifth section of an act to incorporate the Danville and Houstonville Turnpike Road Company, approved March 1st, 1844, except so far as already provided in this act, or may come into collision with the same, and so far as the same are applicable to the objects and intent hereof, be and the same are hereby enacted as a part of this act.

§ 8. That the Bourbon County Court may, a majority of all its Justices being present, subscribe for stock in said road company, and may levy and collect a tax on the taxable property of said county to pay the same—said tax to be collected by the Sheriff of the county, and accounted for by him to the Treasurer of said county, as the county levy is collected and accounted for by him, and he and his sureties on his bond for the collection of the revenue of the State, shall be bound for his strict account of the same.

Location of road  
—width, &c.

Charter of the  
Danville & Hus-  
tonville road  
made part of  
this.

Bourbon County  
Court may take  
stock.

Approved February 15, 1858.

#### CHAPTER 531.

AN ACT to extend the limits of the town of Mt. Carmel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The limits of the town of Mount Carmel, in Fleming county, as now defined by law, be and the same are hereby so extended as to include the following boundary, viz: Commencing at the southwest end of said town, and running the same width of the present corporation so as to include O'Bannon's wagon and blacksmith shop, on that end of the town; then commencing at the northeast end,

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and running in the same direction; also, the same width of the present corporation, so as to include the Methodist church and lot in said town.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1858.

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#### CHAPTER 532.

AN ACT to amend an act to create the office of Police Judge and Marshal in the town of Shepherdsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That so much of an act, approved 2d December, 1851, entitled, an act to create the offices of Police Judge and Marshal of the town of Shepherdsville, authorizing the qualified voters of said town only to vote in the election of said officers, be so amended as to allow the qualified voters of the Shepherdsville district to vote in the election for said officers. This act to take effect at the next election for said Police Judge and Marshal.

Approved February 15, 1858.

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#### CHAPTER 533.

AN ACT to charter the Silver Creek Turnpike Road Company, in Madison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporate name  
and style.

§ 1. That a company is hereby created under the name and style of the "Silver Creek Turnpike Road Company," for the purpose of making a McAdam, plank, gravel, or other artificial road, to connect the Richmond and Lancaster with the Kirksville and Kentucky river Turnpike Roads, beginning at or near Round Hill, on the Kirksville and Kentucky river turnpike; thence the most practicable route to Hagan's mill; thence to the Richmond and Lancaster turnpike, where the new road now intersects the same near Richard Martin's, or the most practicable route to said Richmond and Lancaster turnpike road, in distance five miles; and by that name may sue and be sued, plead and be impleaded in all courts in this Commonwealth; and have and use a common seal, and alter and annul the same at pleasure.

Capital stock.

§ 2. That the capital stock of said company shall not be more than twenty thousand dollars, to be divided into shares of one hundred dollars each.

§ 3. That the books for the subscription of stock may be opened in the town of Kirksville, and such other places

as may be deemed best, under the direction of James Hagan, Wm. Hawkins, Thomas Bogie, Win. Byrum, C. W. Gentry, Josiah P. Simmons, D. H. Bogie, Geo. Ross, James B. Miller, J. C. Hagan, and A. W. Wood, or some one or more of them, at any time after the passage of this act.

§ 4. That such of the Commissioners appointed by this act to open books for the subscription of the capital stock of said company, or such of them as may act, shall procure one or more books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company of the Silver Creek Turnpike Road Company, the sum of one hundred dollars for each share of stock in said company set opposite to our names, in such manner and proportions, and at such times as shall be required by the President and Directors of said company."

§ 5. The books for subscription of stock shall remain open until the whole of the capital stock shall have been taken, or enough to complete the road, and persons may subscribe at any time until the books are closed.

§ 6. All the provisions of a bill, entitled, an act to charter the Franklin and Newroe Turnpike Road Company, now before the present Legislature, not in conflict with the provisions of this act, are referred to, and made a part of this act, as fully as if herein re-enacted.

Approved February 15, 1858.

1858.

Commissioners.

Books to be opened.

Obligation.

Books to be kept open.

Another act made part of this.

#### CHAPTER 534.

AN ACT to incorporate "Union College," at Crittenden, in Grant county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. W. Henderson, Jno. W. Fenly, O. P. Hogan, William Points, and James O'Hara, Jr., be and they are hereby constituted a body politic and corporate, to be known and styled as the "Trustees of Union College;" and by that name shall have perpetual succession, and a common seal, with power to change or abolish the same at pleasure; may sue and be sued, plead and be impleaded in any court of law or equity, and shall be capable, in law, of purchasing, acquiring, and holding to them and their successors, any lands, tenements, goods, and chattels of any kind, and money, which shall be purchased, given, granted, or devised for the use of said college, or which they may have, and they may sell, dispose of, and convey the same according to the by-laws which may be established in the manner and form as hereinafter provided:

Corporator's names.

Name and style.

1858.

*Provided*, That they shall not, at any one time, hold real estate of greater value than one hundred thousand dollars.

Trustees—their powers, &c.

§ 2. The Trustees shall have power to establish by-laws and rules not inconsistent with the constitution and laws of this State or of the United States, for the government of said College, and the management of its funds and property. A majority of all the Trustees shall concur in the election of all officers of the Board of Trustees, and the professors and tutors of said college, and shall have power to remove any such professors and tutors, and to fill any vacancies in their board, or the faculty of said college. A majority of the Board of Trustees shall be necessary to constitute a quorum for the transaction of business, and may decide any question, resolution, or appointment not otherwise provided for in this act. The signature of the President of the board, and attestation of Secretary, with the seal of corporation, shall be sufficient to bind said corporation to any contract or agreement which may have been entered into or authorized by the said board; and until a seal is provided the scroll of the President shall be sufficient in lieu thereof.

Annual elec-  
tions, &c.

§ 3. The stockholders of said college shall, annually, elect five Trustees for said college, at such time and place as shall be provided by the by-laws adopted by said board, to hold their offices until their successors are duly elected and qualified. In case the said Trustees fail to cause an election of Trustees to be had at the time appointed, the persons holding a majority of the shares of the stock of said college may come together at any time thereafter, at some convenient place, and hold an election of Trustees. The stock of said college shall be divided into such shares as the Trustees shall deem proper, and the stockholders shall be entitled to one vote for each share of stock subscribed, and may vote in person or by proxy. The stock may be assigned on the stock books of the college, and the assignee shall succeed to all the rights and privileges of the original holder, but no stockholder shall have more than ten votes. The acts, contracts, and agreements made by the said Trustees heretofore are hereby ratified and confirmed, and the Trustees are authorized and empowered to sue for and collect the stock already subscribed, and to receive additional subscription of stock, and sue for and collect the same; and shall take an oath, before entering upon the duties of their office, before a Justice of the Peace.

May confer de-  
grees, &c.

§ 4. The Trustees shall have power to confer upon the pupils of said institution any or all the degrees authorized to be conferred by the best colleges, and to grant diplomas.

§ 5. This act shall take effect from its passage.

Approved February 15, 1858.

## LAWS OF KENTUCKY.

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### CHAPTER 535.

**AN ACT to refund to Wm. Ward, of Morgan county, the amount of tax on tavern licenses improperly collected of him.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of Public Accounts be and he is hereby directed to draw his warrant upon the treasury in favor of Wm. Ward, of Morgan county, for the sum of twenty dollars, it being the amount of tax on tavern licenses improperly collected of him. This act shall take effect from and after its passage.

Approved February 15, 1858.

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### CHAPTER 536.

**AN ACT to establish an additional voting precinct in Laurel county.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the following boundary is hereby erected into and established an additional voting precinct and Justices' district in the county of Laurel, as follows: Beginning at Wood's cross-roads; thence with the county road to Creig's creek; thence down and with said creek to the Whitley county line; thence with the Whitley county line to the main road leading from London to Williamsburg; thence with the county road to Hodges' Mill; thence continuing along said road to little Laurel river; thence down said river to Hendrickson's Mill; thence with the Mill road to the beginning.

§ 2. There shall be an election held in said district on the first Saturday in May, 1858, for the election of two Justices of the Peace and one Constable, who shall hold their offices until the next general election for like officers; and that the place of voting in said district shall be at S. L. Newcum's Mill, but may be changed by the County Court to a more convenient place; and the above election shall be held as other elections are held for like officers.

Approved February 15, 1858.

### CHAPTER 537.

**AN ACT for the benefit of Thomas Lendrum, late Sheriff of Daviess county.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Thomas Lendrum, late Sheriff of Daviess county, be and he is hereby allowed the further time of two years, from and after the passage of this act, to set-

1858.

tle up the unfinished business in his hands; that he be allowed to collect all taxes, muster fines, and fee bills in his hands, or his own fee bills; that he may distrain for the same, or he may put them into the hands of any other officers for collection; but is to be responsible, as any other Sheriff, for any illegal acts.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

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#### CHAPTER 538.

AN ACT to amend an act, entitled, an act to incorporate the Covington Library Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the surviving corporators of the Covington Library Association, and their associates and successors, be authorized to hold the first election of a President and Board of Directors of said Library Association at any time after the passage of this act; and elections of a President and Board of Directors of said association are to be held on the first Monday in each year thereafter. The provisions of the act incorporating said Library Association are to remain in full force, except so far as they are amended by this act.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1858.

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#### CHAPTER 539.

AN ACT incorporating the Philadelphian Literary Society of the Columbia High School.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Thomas W. Williams, H. W. McKee, John C. Breeding, S. P. Schooling, and their successors in office, be and they are hereby created a body politic and corporate, under the name of the "Philadelphian Literary Society of the Columbia High School;" and as such may sue and be sued, plead and be impleaded; and by said name shall have perpetual succession; shall have power to use a common seal, and change the same at pleasure.

§ 2. That the above named society shall have power to acquire and hold all such real and personal property as may be necessary for the purposes of said society, not exceeding in value the sum of five thousand dollars, and may sell and convey said property at the pleasure of said society.

§ 3. That said society shall have power to make by-laws for its government: *Provided*, They are not inconsistent with the laws and constitutions of Kentucky and the United States, or either of them.

§ 4. This act to take effect from and after its passage.

Approved February 15, 1858.

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#### CHAPTER 540.

AN ACT to incorporate the Catlettsburg Circulating Library Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That P. Randell, J. D. Kinkead, Kelsey N. Harris, Wm. A. Foster, Jerry Willman, and their associates and successors, be and they are hereby declared a body corporate, under the name and style of "the Catlettsburg Circulating Library Association," to be located in the town of Catlettsburg, and the county of Greenup, for the purpose of establishing a circulating library; and by that name shall have perpetual succession, with power to adopt and use a common seal, and change the same at pleasure; to make contracts for the benefit of the association; to sue and be sued, and to be capable of receiving, taking, and holding real, or personal estate, or money, by gift, grant, purchase, or devise, and of selling, exchanging, transferring, and using the same for the benefit of said association.

§ 2. That the Catlettsburg Circulating Library Association shall have power and authority to establish a constitution and such by-laws as shall be deemed necessary and expedient for the organization of the association, and for the appointment of its officers, Board of Directors, and their duties and responsibilities, and for all others connected with the fiscal, prudential, and moral government of the association: *Provided*, That the constitution and by-laws aforesaid be not inconsistent with the constitution and laws of the United States or of this State.

§ 3. That the capital stock of said association shall be five thousand dollars, divided into shares of ten dollars each; and said association shall have power to provide for issuing certificates of stock, which may be assignable on such terms as they may prescribe, and may provide for the collection of such stock by instalments or otherwise.

§ 4. This act shall take effect from its passage.

Approved February 15, 1858.

1858.

## CHAPTER 541.

AN ACT to organize and carry out a general system of improving the roads in Logan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Road tax.

§ 1. That a tax not exceeding fifty cents upon each one hundred dollars worth of all the taxable property within the county of Logan, assessed and taxed for State revenue, and to be assessed and collected in same manner, be assessed and collected, annually, in the county of Logan, to be appropriated by or under an order of the County Court of said county, to McAdamize, gravel, or construct in other ways, the following roads leading from Russellville to the county limits, to-wit: The Russellville and Clarksville road, the Russellville and Nashville road, the Russellville and Bowlinggreen road, the Russellville and Hopkinsville road, the Highland Lick road, the Greenville and Russellville road, the Morgantown and Franklin roads, the Rochester and Russellville road, and such other leading roads as may be designated by the County Court, as is now established or may hereafter be established in said county.

How long tax to be continued.

§ 2. That the assessment and collection of such tax shall be continued and kept up for such period as may be necessary for the completion of said roads, and not to exceed five years; and the amount annually to be assessed and collected shall be definitely fixed, and an order for the assessment and collection thereof shall be annually made by said County Court: *Provided however,* The County Court shall have power to designate and apply such appropriations to such roads as may be of the greatest importance to said county, and that not more than two such roads shall be let to contract in any one year.

Vote to be taken on tax.

§ 3. That no assessment or collection shall be made, nor shall any order be made for an assessment or collection of the tax authorized by this act, until a vote shall be taken upon the propriety of assessing and collecting the same, at such time as may be directed by an order of said court—such vote to be taken by the opening of a poll at the several places of holding elections for officers in the county, with two columns, one to be headed *for* and the other *against* the assessment and collection of such tax; and if it appears that a majority of the qualified voters of said county be in favor of the assessment and collection of a tax of such amount as may be fixed in the order directing the vote to be taken, then the assessment and collection shall be accordingly made, if otherwise no such assessment or collection shall be made.

When gates may be erected.

§ 4. That whenever five miles of any road authorized to be constructed under the provisions of this act shall be completed it shall be lawful for the County Court to erect

a gate or gates, and collect such tolls as is fixed for similar roads in this Commonwealth; and all such tolls shall belong to and be applied to the lessening of said county levies.

§ 5. That the elections designed to be had in this act shall be in all cases conducted as the election of county officers are now held, and the Sheriff and other officers conducting said election shall make their returns at the same time, and the polls shall be compared by the same Board of Supervisors, as now required by law, whose duty it shall be to make return thereof to the County Court at its next regular monthly term after said election is held.

§ 6. That the County Court shall have power to appoint Commissioners to carry out the provisions of this act, who shall be sworn before some acting Justice of the Peace, or the court itself, for the faithful performance of any and all duties as shall be prescribed by said County Court, and as may be necessary to carry out the object of this act, who shall have power to let such road to contract, or any portion thereof, and to acquire the right of way, take any stone, earth, or timber that may be necessary for the construction of said roads by payment of such damages as may be assessed to the owners thereof by a jury under a writ of *ad quod damnum*, as in other cases provided.

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Elections, how held.

Commissioners to be appointed.

§ 7. That it shall be the duty of the Sheriff to collect the money designed to be assessed and collected under the provisions of this act, and shall be held responsible therefor in the same manner as now held for the revenue of said county, and shall be allowed for the collection and payment of the same two per cent. on the amount so collected.

Sheriff's duty.

Approved February 15, 1858.

## CHAPTER 542.

AN ACT for the benefit of School Districts in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Trustees of any one or more school districts in Logan county, in which a common school has been taught according to law, in any one or more of the school years since the year 1853, to report the same to the Common School Commissioner of Logan county on or before the first day of April next; and it shall be the duty of such Commissioner to make report of the teaching of such schools to the Superintendent of Public Instruction; and the Auditor of Public Accounts shall draw his warrant upon the treasury for the amounts

1858. found due to said school districts, respectively, to be paid out of the school fund due said county.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

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CHAPTER 543.

AN ACT for the benefit of John Cummins, late Sheriff of Rockcastle county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John Cummins, late Sheriff of Rockcastle county, be and he is hereby allowed the further time of one year, from and after the passage of this act, to make settlement with the County Court of said county, and pay over any balance that may be due the county from him.

§ 2. That he be allowed the further time of two years from and after the passage of this act to make out and collect all his uncollected fees and accounts as late Sheriff and Constable of said county; and that said fee bills and accounts, when made out, shall have all the distrainable force and effect that other fee bills now have: *Provided however,* That he shall be liable to all the penalties of the law for making out illegal fee bills.

Approved February 15, 1858.

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CHAPTER 544.

AN ACT chartering the Kean & Co. Express Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a corporation is hereby created, under the name and style of "Kean and Co's. Southern Express Company," to be located as hereafter provided. Said corporation shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, and shall have all the immunities and powers necessary and proper to enable its managers to carry on a general express business.

§ 2. This corporation shall have power to purchase and hold, or lease and hold, real estate not exceeding in value fifty thousand dollars in this Commonwealth.

§ 3. The capital stock of said corporation shall not exceed one hundred thousand dollars, in shares of one hundred dollars each. Subscriptions of stock shall be made by persons signing their names to an agreement, in writing, to take the number of shares of one hundred dollars each

set opposite to their names, and obligating themselves to pay to Kean & Co. Southern Express Company the amount thereof.

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§ 4. Franklin H. Kean, Isham B. O'Bannon, Erasmus D. Force, Ambrose O'Bannon, and Joseph H. Smith, or any three of them, may open books for subscription of stock in said corporation, as aforesaid; and whenever the sum of ten thousand dollars is subscribed by responsible parties, they may call the subscribers together, who may organize a corporation by electing a President and two Managers, and such other officers as may be necessary for the safe conduct of the business.

§ 5. That the President and Managers may hold their offices for such period as may be prescribed by the stockholders; that the President, Managers, and stockholders shall have authority to make any by-laws, rules, and regulations, for the government, management, conduct and control of said express business and company; to appoint any and all agents necessary and proper for conducting the business of said corporation, and to make any and all regulations for the control of their agents, that they deem safe and proper: *Provided*, That the by-laws, rules, regulations, or ordinances of said corporation shall be in conformity with the constitution and laws of the United States, and the State of Kentucky.

§ 6. That there shall be annual meetings of the President and Managers of said corporation, and oftener if deemed necessary. At each meeting of the stockholders the President and Managers shall submit a full statement of the affairs of said corporation; that the profits of said corporation shall be declared in the manner and at the times prescribed by the by-laws; that the President and Managers shall have authority to call the stockholders together as often as the business and condition of said corporation shall require.

§ 7. That each stockholder shall be entitled to vote at all elections of officers in person or by proxy, duly authorized in writing, and shall have one vote for each share of stock to which he appears to be owner by the books of said corporation. The stock in said corporation shall be personal estate, and transferable on the books of said corporation, in person or by written authority.

§ 8. That the principal office of said corporation shall be located in the city of Louisville, State of Kentucky, and shall have the right to establish such other branch offices and agencies at such other places as the business of said corporation shall require. That said corporation shall execute and deliver a receipt for all goods, wares, and merchandize, packages, or other things of substance or value entrusted to it for transportation, which receipt shall be *prima facie* evidence against said corporation in

1858.

any court in the United States having jurisdiction of the subject and character of the suit pending. And for all goods wares, and merchandize, packages, or other things of substance or value received by said corporation for transportation the corporation shall be liable as common carriers.

Approved February 15, 1858.

CHAPTER 545.

AN ACT to incorporate the Ashland Foundry and Fire Brick Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That H. B. Stoll, of Greenup county, and his associates, be and they are hereby created a body corporate, by the name of the "Ashland Foundry and Fire Brick Company," and by that name shall be competent to contract and be contracted with, sue and be sued in all courts of competent jurisdiction in this Commonwealth, with full power to acquire, hold, and enjoy such lands, rents, tenements, goods, chattels, property, and effects, not exceeding one hundred thousand dollars, for conducting the manufacture of goods and wares usually manufactured in iron or brass foundry, and for the manufacture of fire brick; and also of engaging in such other manufactures in Greenup county as they may deem proper. Said company may give, lease, sell, and convey, any part or parts of their property in all respects as natural persons.

§ 2. Said company may also sell and convey, lease, mortgage, and pledge any real estate or personal property and effects of said company, in such manner as may become necessary in transacting and facilitating the business of said company; and said company may have and use a common seal, and the same alter, amend, break, and renew at pleasure; and they also shall have the power of making, establishing, and executing such by-laws, rules, and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, The same be not contrary to the laws of this State or of the United States.

§ 3. Said company shall have the power to appoint one or more of its members, or other person or persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations which said company may adopt.

§ 4. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be subscribed and paid for in such manner as said company may prescribe by their by-laws.

§ 5. Said company, when fully organized, shall cause a book to be opened and kept, subject to the inspection of any member of said company, which shall contain the names of all the members, and the number of shares owned by each; and said shares may be transferred on said book in the manner to be prescribed in the by-laws of said company; and in case of failure upon the part of any stockholder to pay his stock, or any portion thereof, when demanded of him by the managing or chief agent of said company, said company may declare the stock owned by such delinquent holder thereof to be forfeited, together with all previous payments made thereon, and said company may re-sell said stock for the benefit of this corporation.

§ 6. Said company shall have the power to commence operations immediately after the passage of this act.

Approved February 15, 1858

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#### CHAPTER 546.

AN ACT compensating Wm. Strowbridge for service rendered to the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is hereby directed to draw his warrant on the treasury in favor of William Strowbridge for the sum of twenty dollars, as compensation for services rendered to the State, in repairing the obelisk over the remains of Gov. Caldwell. This act shall take effect from its passage,

Approved February 15, 1858.

#### CHAPTER 548.

AN ACT to incorporate the Fire Company No. 1, of Carrollton, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Francis Weigand, G. Blessing, Henry Grob-meyer, J. Logemon, G. Kellar, G. Meier, J. Meier, J. Thurman, B. Lankamp, C. Gengelbach, J. Rodenback, and H. Kassen, and their associates, be and they are hereby created and declared to be a body corporate and politic, by the name of "The German Independent Fire Company, No. 1, of Carrollton, Kentucky;" and as such shall be capable in law of suing and being sued, pleading and being impleaded, in any action or suit, in law or equity, in any court having competent jurisdiction. They shall have power to hold and possess such property as is necessary, whether real or otherwise, and shall be com-

Corporator's  
names.

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*May hold property, make by-laws, &c.**Officers—their duties, &c.**Property exempt from liability for debts of members of company.**Members not to serve on Juries.**May have a common seal.*

petent to contract and be contracted with, to enact by-laws, and to adopt such rules and regulations as may be deemed necessary and proper: *Provided*, Such by-laws and regulations are not contrary to the ordinances of the Trustees of said town of Carrollton, or the constitution and laws of this State or of the United States. They shall keep a record of their proceedings to be attested at each meeting by the presiding officer, and which record shall be at all times accessible to any member of said company.

§ 2. The officers of said company shall consist of a President, Vice President, Secretary, Treasurer, Standing Committee of three members and five Directors and such other officers as said company may from time to time deem necessary, who shall be elected by the qualified voters of said company on the first Saturday in March, annually, and shall hold their offices until their successors are legally chosen: *Provided*, That a failure to make an election on the day herein appointed, shall not work a forfeiture of the privileges of the corporation; but in case of such failure from any cause, the President, or, if he be absent, removed, resigned or refuses to act, the Vice President shall have power to appoint another day for an election as he may think fit, giving at least ten days public (written or printed) notice thereof; and the officers so elected shall hold their offices until the next stated annual election and until their successors are legally chosen.

§ 3. The engine, tackle, furniture, apparatus and property of said company are hereby exempt from the individual indebtedness of any member of said company and alone responsible for the indebtedness of the company created by its authorized agents.

§ 4. The members of said company are exempted from serving on all juries (unless by their consent) and from the performance of militia duty in time of peace.

§ 5. Said company shall have power to use a common seal, which they may break, alter, or renew at pleasure.

§ 6. This act shall be taken, construed and received as a public act; and the Legislature reserves the right to alter amend, or repeal this act at pleasure: *Provided*, That no such repeal, alteration or modification shall operate to annul or invalidate any contract made by or with said corporation: *And, provided further*, That in such case the corporation may still continue so far as to collect, and recover, and dispose of their estate, real and personal, and pay their debts, and divide the surplus.

Approved February 15, 1858.

## CHAPTER 549.

1858.

AN ACT to amend an act incorporating the Harrodsburg and Cornishville Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act incorporating the Harrodsburg and Cornishville Turnpike Road Company, approved March 4, 1858, be so amended that the Mercer County Court be authorized and empowered to direct its Clerk to subscribe for as many shares of stock in said company as private individuals, partnerships, and corporations may subscribe, which subscriptions, when made, shall be binding on said county; and said County Court, before proceeding to make the subscriptions herein authorized, may submit the propriety of so doing to the vote of the qualified voters of said county, and have such vote taken in the same manner that elections for Sheriffs are required by law to be conducted, and at such time or times as the court may direct; and if a majority of all the votes cast be in favor of such subscriptions of stock, it shall be the duty of said court to make such subscriptions, and levy the amount thereof upon the property within said county, subject to the payment of State revenue tax; and the Sheriff, or other officers appointed to collect the same, shall collect and pay over to the Treasurer of said county within same time, and under same liabilities and penalties prescribed for the collection and payment of the State revenue tax, and shall have the same power to enforce the collection thereof; and shall receive as compensation for his services five per cent. upon the amount collected and paid over; and the County Court may distribute the sum subscribed in the assessment of taxes to pay it through two or more years, and the dividends and profits on the said stock subscribed to go and be in aid of the county levy: *Provided*, Said subscription does not exceed \$1,000 per mile.

§ 2. That each and every stockholder in said road, who resides on, or whose land adjoins, said road, shall be exempt from furnishing hands to work on any other road in Mercer county to the extent of one hand for each share of stock they may take in said road, when the same is completed.

§ 3. All laws coming in conflict with this act are hereby repealed.

Approved February 15, 1858.

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## CHAPTER 550.

**AN ACT to limit the jurisdiction of the Police Judge and Town Marshal of the town of Calhoon, in McLean County.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That all acts or parts of acts, which extend the jurisdiction of the Police Judge and Town Marshal of the town of Calhoon beyond the limits of said town, be and the same is hereby repealed: *Provided however,* That the jurisdiction of said Police Judge and Town Marshal, in criminal and penal cases, shall be the same as now provided for by law.

Approved February 15, 1858.

## CHAPTER 551.

**AN ACT for the benefit of James H. Pogue, late Sheriff of Knox County.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the further time of two years, from and after the passage of this act, be and the same is hereby allowed to James H. Pogue, late Sheriff of Knox county, to collect his unpaid list or fees and taxes as Sheriff aforesaid, being liable to the laws in force for any illegal procedure under the provisions of this act; and that he and his deputies have the right to distrain for the collection of the same.

Approved February 15, 1858.

## CHAPTER 552

**AN ACT to repeal an act, entitled, an act to incorporate the town of Bledsoe, in Fulton County.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled, an act to incorporate the town of Bledsoe, in Fulton county, passed and approved the present session of the Legislature, be and the same is hereby repealed.

§ 2. That this act shall take effect from its passage.

Approved February 15, 1858.

## CHAPTER 553.

1858.

AN ACT allowing the citizens of the town of Burkesville the power of electing a Police Judge and Town Marshal.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there shall be elected on the first Monday in August, 1858, and on the first Monday of the same month every four years thereafter, a Police Judge for the town of Burkesville. The person elected shall hold his office for four years, and until his successor be elected and qualified; said election shall be held at the court house in said town, and under the directions of such person or persons as shall be appointed by said Trustees for that purpose. Any person who has resided in said town two weeks previous to any election under this act, and who is in other respects qualified to vote for Representative in the General Assembly, shall have the right to vote for Police Judge. No person shall be elected to said office of Police Judge unless he lives in said town, and have the qualifications required by law for Justices of the Peace. A Police Judge, elected as provided herein, shall have all the jurisdiction, civil and criminal, which Justices of the Peace have by the laws now in force, or which may be passed by the present session of the General Assembly; he shall have jurisdiction, in criminal matters, which is conferred specially upon Police Judges by the Code of Practice in Criminal Cases.

§ 2. That the qualified voters of the town of Burkesville shall, on the 1st Saturday in May, elect a Town Marshal for said town, who shall hold his office for the term of two years from and after his election; his duties shall be such as may be prescribed by the Trustees of said town, and he shall have the same power that Constables have in civil and criminal cases throughout the county of Cumberland; before entering upon the discharge of his duties as such the said Marshal shall enter into bond with good security, to be approved by a majority of the Trustees of said town, and conditioned that he will faithfully discharge his duties according to law, and will pay over all moneys which may be collected by him in his official capacity; he shall, also, execute a bond to the Commonwealth of Kentucky, in the same penalty, and conditioned for the faithful discharge of his duties, as is required by law of Constables.

§ 3. This act to take effect from its passage.

Approved February 15, 1858.

1858.

## CHAPTER 554.

AN ACT for the benefit of the Shelby Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Shelby Railroad Company may have the further time of ten years to complete and finish their road; and for this purpose may use, exercise, and enjoy all the rights, privileges, and powers granted them in their original charter, or any amendment to the same.

Approved February 15, 1858.

## CHAPTER 555.

AN ACT for the benefit of the Versailles and Anderson Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the Versailles and Anderson Turnpike Road Company be amended so as to allow the company an additional capital of ten thousand dollars, for the purpose of completing their road from the Kentucky river to its terminus, on the Frankfort and Harrodsburg road, in the direction of Louisville; and that for the purpose of securing this additional capital the President and Directors of the road shall open books for the subscription of stock, in such a form, and under such restrictions, as are provided for in their charter; and that for every one hundred dollars of stock subscribed for and paid one hand, for each stockholder thus paying, shall be exempted forever from working upon the roads in the county of Anderson.

§ 2. That the books for this additional subscription of stock shall be opened on the first day of April next, at the store-house of Berryman & Bros., in the county of Woodford, and in the town of Lawrenceburg, in the county of Anderson. And that when six thousand dollars of the stock is subscribed the road shall be put under contract: *Provided*, That the company shall not be required to construct it with a grade of more than twenty-five feet in width, nor a quantity of metal greater than fifteen feet in width.

§ 3. That the President and Directors may, by their vote, subscribe two thousand dollars toward the additional stock, out of any surplus that may arise from the tolls on that portion of the road already completed. And that after the completion of the entire road one-half of the surplus of the entire tolls arising therefrom shall be for the benefit of the Commonwealth: *Provided*, That all of the stockholders agree thereto.

Approved February 15, 1858.

## CHAPTER 556.

**AN ACT to incorporate the Ford's Mill Turnpike Road Company, in Woodford County.**

1858.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company shall be and is hereby incorporated, for the purpose of constructing a turnpike road from a point on the Versailles and McCoun's ferry turnpike road near the brick house formerly owned by Isaiah Boone, to Ford's Mill, through the town of Mortonsville, in Woodford county; the capital stock of said road to be \$15,000, which may be increased, from time to time, by additional subscriptions in the manner and form that the President and Directors of said company may direct, if the enlargement shall be found necessary to complete said road.

Company char-  
tered.

Capital stock.

Commissioners.

§ 2. Books of subscription for stock in said company shall be opened in the town of Mortonsville on the 1st Monday in April next, or any other day to be named by the Commissioners. James P. Ford, Robert Wilhoit, Dudley D. Carpenter, James Carter, Jeremiah Wilson, are appointed Commissioners, any two of whom may act; and the subscribers of stock in said company shall enter into an obligation to pay to the President and Directors thereof the sum of fifty dollars for each share of stock subscribed, in such manner and at such times as shall be required. The Commissioners shall permit any person of age to subscribe for stock therein. The County Court of Woodford, and the Trustees of the town of Mortonsville, are hereby authorized to subscribe for any number of shares of stock in said road.

When company  
to be organized.

§ 3. That when seventy-five shares of the capital stock of said company shall have been subscribed, the Commissioners aforesaid, or any two of them, shall call a meeting of the subscribers, to be held in Mortonsville, on some day to be fixed by them, of which meeting they shall give at least twenty days notice by posting the same in Mortonsville, for the purpose of electing a President and four Directors, to serve until others are elected and qualified; and that all future elections shall be on the first Monday in April in every successive year, in the town of Mortonsville; and said election shall be confined to stockholders.

Name and style.

§ 4. That the company formed as aforesaid, shall be and is hereby created a body politic and corporate, in deed and in law forever, by the name and style of the President and Directors of the Ford's Mill Turnpike Road Company, and under the style and name aforesaid shall have perpetual succession, and all the privileges, immunities, and franchises of bodies politic and corporate; and as such shall be capable of contracting and being contracted with, of purchasing, taking and holding, to them

Corporate pow-  
ers.

1858.

and each of their successors and assigns, and of selling and conveying in fee simple, all such lands, and tenements, and estate, real, personal, and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead, and be impleaded, answer and be answered, defend and be defended before any and all judicial tribunals whatsoever, and also to make, have, and use a common seal, and the same to break, alter, and renew, and to do any and every act which bodies politic and corporate may lawfully do.

Charter of Lexington & Frankfort turnpike referred to.

§ 5. That said President and Directors of said company shall be governed, in the location and construction of said road, as also in all other respects, by the provisions of the act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act to amend and reduce into one the several acts to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles," approved February 14, 1835, which do not conflict with the provisions of this act; and said company is hereby vested with all the power and authority, rights and privileges, tolls and emoluments, that are granted to the President and Managers of the Frankfort, Lexington, and Versailles Turnpike Road Company by the above recited act; and they are also empowered with all the rights, privileges, and benefits of the act, entitled, "an act for the benefit of the several turnpike road companies in this Commonwealth," approved February 9th, 1837.

Grade of road.

§ 6. That said company is authorized to reduce the grade of said road to twenty-two feet, and the metal to fourteen feet on the whole or such parts of the road as they shall deem proper and expedient; and they shall have power and authority to erect one toll house and gate whenever said road may be completed.

Calls on stock.

§ 7. That the Board of Directors shall not be required to give notice of the calls on stockholders in any newspaper, but shall post up written or printed notices in Mertonsville, and such other public places in the county as they shall deem necessary to give full notice.

Stockholders exempt from working roads.

§ 8. That all persons residing in Woodford county, shall be exempt from working or furnishing hands to work on any other road, to the extent of one hand for every two shares of stock subscribed and paid to said company.

Approved February 15, 1858.

## CHAPTER 557.

1858.

AN ACT to incorporate the Munday's Landing and Harrodsburg Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby created a body politic and corporate, under the name and style of the "Munday's Landing and Harrodsburg Turnpike Road Company," for the purpose of constructing a turnpike road from Munday's Landing to Harrodsburg, or to intersect the turnpike road leading from Harrodsburg to Salvisa, at any point the Commissioners may designate. Name and style.

§ 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each. The books for the subscription of stock shall be opened on the first Monday in May next, at the tavern house of James Morgan, in the town of Harrodsburg, and the house of Jas. V. Munday, at Munday's Landing, or at such time and place hereafter as the Commissioners may designate, and continue open until the stock is taken. Capital stock..

§ 3. That the following persons, or such of them as will act, are hereby appointed Commissioners to open the books for the subscription of stock: James V. Munday, Peter R. Dunn, David W. Thompson, James Taylor, Ben. A. Passmore, and James H. Jones. That said Commissioners shall open one or more books, and the subscribers therein shall sign an obligation in the following form, viz: "We, whose names are hereunto subscribed, do bind ourselves, respectively, to pay unto the Munday's Landing and Harrodsburg Turnpike Road Company, fifty dollars for each share of stock set opposite our respective names, in such proportions, and at such times, as shall be determined on by said corporation: *Provided however,* That said calls shall not be over the one-fifth part of the stock subscribed, and sixty days to intervene." Commissioners.

§ 4. When five thousand dollars of said stock is subscribed it shall be the duty of said Commissioners, or such of them as will act, to give notice, in writing, of a meeting of the stockholders of said company at the court house door in the town of Harrodsburg, at Eldorado, and Munday's Landing, and Joseph's chapel, for the purpose of organizing said company, by choosing officers, to consist of a President and five Directors, a Treasurer, and such other officers as they may deem necessary—notice to be given of said meeting at least ten days previous to said meeting. Each stockholder shall be entitled to one vote for each share of stock held by him. When company to be organized.

§ 5. That the whole width of said road shall be forty feet, and the part covered with stone shall be sixteen feet, and the elevation at the grade of said road shall be Width of road, &c.

1858.

Corporate pow-  
ers.County Court  
may take stock.Danville and  
Salvisa road  
company may  
take stock.Stockholders  
exempted from  
working roads.

fixed and regulated by said company. There shall not be more than one toll-gate on said road, and same not to be nearer than one mile of Harrodsburg.

§ 6. That so soon as said company shall be organized, the President, Directors, and other officers shall possess all the powers, authority, rights, and privileges, and may do and perform all acts and things necessary for carrying on and completing said turnpike road, as well as laying out and locating the same, and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, if any; said company to have full power to fix the tolls, and change and alter same as they may think proper.

§ 7. That it may be lawful for the Judge of the Mercer County Court, a majority of the Justices of the Peace of said county concurring, to subscribe and take stock in said road, and to appropriate the dividends arising therefrom to lessening the levy of the county: *Provided*, The subscription of stock, so made, shall not exceed more than the sum of one thousand dollars per mile of said road.

§ 8. That it shall be lawful for the President and Directors of the turnpike road leading from Salvisa to Danville to subscribe and take stock in said road: *Provided*, The subscription of stock, so made, shall not exceed more than five hundred dollars per mile of said road.

§ 9. That each and every stockholder in said road, who resides on or whose land adjoins said road, shall, when said road is completed, be exempt from furnishing hands to work on any other road in Mercer county, to the extent of one hand for each share of stock they may take in said road.

Approved February 15, 1858.

## CHAPTER 558.

AN ACT to incorporate the Hopkinsville Library Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporators.

Name and style

§ 1. That Isaac H. Caldwell, Edward M. Buckner, Samuel C. Mercer, W. H. Pendleton, Enos. Campbell, E. H. Hopper, H. A. Phelps, Richard W. Gaines, Robert McKee, Jacob W. Rust, and John B. Gowan, and their successors in office, are hereby created a body corporate and politic, under the name of the "Hopkinsville Library Association;" and by that name shall have perpetual succession and corporate existence, with full power to contract and be contracted with, sue and be sued in the several courts of this Commonwealth, and have power to do all such acts and things as may be necessary to carry out the objects of said association; also, to ordain and put in execution such by-laws, rules, and regulations, for the regula-

tion of said Library Association, and the prudent and efficient management of its affairs, as may be deemed proper, and to have a corporate seal, and alter or renew the same at pleasure.

1858.

§ 2. That all the affairs of the said association, of a financial or prudential character, shall be under the control of a Board of five Directors, (one of whom shall be the President,) who shall be elected on the first Saturday in April of each year, by the stockholders of said association, who shall continue in office one year, and until their successors are duly elected and qualified. Said board shall have power to elect a Treasurer, Secretary, and Librarian, and which offices of Secretary and Librarian may be held by the same person.

Board of Directors, &amp;c.

§ 3. That the capital stock of said association shall be five thousand dollars, which shall be divided into two hundred and fifty shares of twenty dollars each, and no person shall subscribe for and own more than two shares, nor shall said shareholders be entitled to more than one vote in the election of Directors. This association shall go into operation so soon as fifty shares of stock are subscribed. Books for the subscription of stock shall be opened in the Clerk's office of the Christian County Court, for at least thirty days, due notice of which shall be given by the Commissioners, or a committee of them, in some newspaper published in the town of Hopkinsville.

Capital stock.

§ 4. The said association may receive any donations of books, maps, charts, manuscripts, or apparatus, and shall invest the proceeds of stock or other funds in books, maps, charts, or philosophical apparatus, as a committee composed of two of the Directors and three of the stockholders may, from time to time, determine: *Provided further*, That said Commissioners may receive subscriptions of stock in good books, maps, charts, &c., to be valued at a fair cash valuation by said committee, and the books, maps, charts, &c., to be approved by them: *And, provided further*, That the whole of said share of stock shall be subscribed and paid in at one time, but that all other subscriptions of stock shall be paid in money, one-fourth of each share shall be paid every three months, until the whole is paid in.

May receive donations of books &amp;c.

§ 5. That the President shall be the chief executive officer of the association, and it shall be his duty to take care that the by-laws, rules, and regulations of the same be duly executed and enforced, to preside at all the deliberations of the board, sign the journal of their proceedings, and all orders, bonds, contracts, and conveyances in behalf of said institution; in the event of his temporary absence the Directors, any three of whom shall constitute a quorum, may appoint a President *pro tempore*; and vacancies in the Board of Directors may be filled by the

President—his duties, &amp;c.

1858.

town, in any sum they may deem proper. The said Trustees may also impose an annual tax upon any stud, jack, or bull that may stand in said town, not exceeding fifteen dollars, and collect the same by proper proceedings from the owner of any such animals.

§ 8. The Trustees of said town shall have right to tax, and the exclusive right to license, all taverns, groceries, victualers, confectionaries, retailers of spirituous liquors, alleys for nine or ten pins, and all other houses of public resort in said town, except gambling houses or houses of ill-fame, and fix the tax for the same in a sum not exceeding one hundred dollars per annum, and to discontinue any of said licensees at pleasure: *Provided however;* That the Clerk shall pay to the Trustees of the Jury Fund for said county the sum of ten dollars for each tavern license granted in said town each year; and any law giving the County Court of said county authority to license taverns in said town is hereby repealed, but the license which any tavern keeper has obtained shall be good until the time shall have expired for which he obtained. When any prosecution is instituted and carried on at the instance of the Trustees, the warrant shall state that it was issued at their instance, in which case they shall be entitled to the fine or penalty recovered, but if the prosecution fail the said Trustees shall pay the cost of the same.

Officers to give  
bonds.

§ 9. Before the Marshal, Treasurer, Clerk, Assessor, or other ministerial officer of said town shall enter upon the discharge of his duties, he shall execute bond to the Trustees in their corporate name, with security to be approved by the Trustees, stipulating for the faithful discharge of the duties of his respective office, and for the violation of which any person aggrieved thereby shall have a remedy by the proper action or proceeding.

§ 10. That this act shall take effect from and after its passage.

Approved February 15, 1858.

#### CHAPTER 561.

AN ACT for the benefit of the State Union Church.

Whereas, the members, Elders, and Deacons of the Christian Church at State Union have petitioned the present General Assembly for authority, by law, to sell their church property. Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Elder John Hensley is hereby authorized to sell and convey said property on the best terms he can, for the benefit of said church, and is required to pay the proceeds to the Trustees of said church.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

## CHAPTER 562.

1858.

AN ACT to incorporate the Owingsville and Paris Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby created a body politic and corporate, under the name and style of the "Owingsville and Paris Turnpike Road Company," for the purpose of constructing a turnpike road from Owingsville to Paris, but from Owingsville it may run with, in part, and intersect any other road that will effect the object of having a continuous turnpike from Owingsville to Paris.

Name and style.

§ 2. That the capital stock of said company shall be fifty thousand dollars, divided in shares of fifty dollars each.

Capital stock.

§ 3. That the following commissioners are appointed to receive subscriptions of stock in said company, to-wit: James Horton and John F. Talbott, of Bourbon; William F. Richart and Joseph Johnson, of Montgomery; Joseph H. Richart, John D. Young, and J. A. J. Lee, of Owingsville; George Hamilton and Thomas T. Jones, of Bath; to open books for the subscription of stock at such times and places as they, or any two of them, may think proper, until all the stock, or so much thereof as may be necessary to construct said road, be taken or subscribed.

Commissioners.

§ 4. That the County Court of Bath county, or a majority of all the Justices of the Peace for said county being present and concurring therein, may and are hereby authorized to subscribe for stock in said road, to the amount of seven hundred and fifty dollars per mile, of so much of said road as may have to be actually constructed: *Provided*, That a majority of the legal voters of Bath county, who may vote on the subject, shall so determine; and in order that they may do so it shall be the duty of all the officers of elections at their respective precincts in said county, at the next August election, to open polls for and against said subscription, and make due return of the result to the County Court at the next term thereafter, and said court shall, at the next court of claims, provide by way of *ad valorem* tax upon the estate, real and personal, of said county, for the payment of said subscription.

County Court may take stock.

§ 5. That the stockholders shall, in the books of said Commissioners, the presiding Judge signing for the court, enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, promise and bind ourselves to pay to the President, Directors, and Company of the Owingsville and Paris Turnpike Road Company, the sum of fifty dollars for each share of stock set opposite to our names, in such proportions, and at such times and places, as the President and Directors may require: *Provided*, Said calls are thirty days apart, and not to exceed ten dollars on each share. Given under our hands this —day of —, 18—."

1858.

Stock, how voted.Officers to be elected.Meetings may be called.Location of roadAnnual elections.Gates may be erected.

§ 6. That the stockholders shall be entitled to one vote for every share he holds, and when absent may vote by proxy authorized in writing.

§ 7. That the President and five Directors, and all other necessary officers of said road, shall be elected by the stockholders at a public meeting of the stockholders in Owingsville, at such time as they may deem proper, by the Commissioners or a Commissioner, or a majority of them, giving two weeks notice thereof previously in the Kentucky Whig.

§ 8. That the President, or any three of the Directors, may call a meeting of the stockholders or Directors, at any time he or they shall deem it necessary; and that the President and three Directors, or in the absence of the President, four Directors, shall form a quorum to do business of said road; and so soon as five thousand dollars of said stock is subscribed, and the company organized, said company may proceed with the construction of said road, commencing at Owingsville, and shall have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and have and use a corporate seal, and may appoint such officers as may be deemed necessary to carry on the objects of the company, and may make such necessary by-laws as may not conflict with the laws of this State.

§ 9. That said President and Directors, or a majority of them, shall locate said road, and have the same graded and constructed in all respects as is provided for in the charter of the turnpike from the direction of Paris to Flat Rock, and shall have the same privileges for procuring the right of way, toll-gate stands, material, &c., as are provided for by said charter, or the general laws of Kentucky in like cases.

§ 10. That after the first election the President and Directors of said company shall be elected annually on the first Monday in April, in the manner and at the place provided for the first election; they shall keep a fair and just account of all moneys which shall be received by them from the subscribers, and of all money by them expended in the prosecution of said work; and all costs, charges, and expenses of said road shall be paid and discharged, and the amount shall be entered on the books of the Treasurer; the President and Directors, shall, at the end of every six months after the completion of said road, make a dividend of clear profits, (if any,) and pay the same to the stockholders on the second Monday in April and October, in each year.

§ 11. That after said road is completed, or five miles thereof, the President and Directors shall erect one or more gates for the purpose of receiving toll, not to exceed

the rates granted to the turnpike road from Flat Rock towards Paris: *Provided*, That no gate shall be erected nearer than one mile of any town.

§ 12. This act to take effect from its passage, but the Legislature reserves the right to repeal or amend the same.

Approved February 15, 1858.

1858.

### CHAPTER 563.

#### AN ACT to incorporate Machpelah Cemetery at Mount Sterling.

Whereas, Montgomery Lodge, No. 23, of Free and Accepted Masons, and Watson Lodge, No. 32, of I. O. O. F's., have jointly purchased a tract or parcel of land within one-half mile of the town of Mt. Sterling, Montgomery county, for Cemetery Grounds; and whereas, Montgomery Lodge, No. 23, of Free and Accepted Masons, have appointed E. G. O'Rear, Asa B. Gatewood, and Charles Gilkey, a committee on the part of said Lodge, and Watson Lodge, No. 32, of I. O. O. F's., have appointed H. H. Turner, Rufus Fogg, and G. W. Gist, a committee on the part of said last mentioned Lodge, to act in conjunction with the committee appointed by Montgomery Lodge, No. 23, for the purpose of managing, controlling, improving, and adorning said ground; and whereas, said committees, and their predecessors, have expended large sums of money in improving, grading, laying off, and adorning said grounds, and sold and conveyed divers and sundry lots of said grounds for burial purposes alone, and have caused costly monuments to be erected thereon. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That E. G. O'Rear, Asa B. Gatewood, and Charles Gilkey, committee on the part of Montgomery Lodge, No. 23, and H. H. Turner, Rufus Fogg, and G. W. Gist, committee on the part of Watson Lodge, No. 32, Montgomery Lodge, No. 23, of Free and Accepted Masons, and Watson Lodge, No. 32, of I. O. O. F's., their successors, assigns, and associates, be and they are hereby constituted a body corporate and politic, under the name and style of "Machpelah Cemetery Company," to have perpetual succession; may sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended against, in all courts of this Commonwealth and elsewhere; may have and use a common corporate seal, and the same alter, break, and renew at pleasure; may establish such by-laws, rules, and regulations as they may deem expedient for the government, arrangement, and disposition of the property and effects of the com-

Corporators.

Powers, &c.

1858.

ny; also, for the government, arrangement, and election of its officers; make and alter its by-laws, and do all other acts and things necessary and proper for effecting the object of their corporation, which is to provide a place of repose for the dead: *Provided however,* They do not act inconsistent with the laws of this State or the United States.

May purchase  
and hold real  
estate.

§ 2. Said corporation shall have power to purchase, take by gift, hold, transfer, and sell a tract or tracts of land in addition to what they already own, not exceeding fifty acres adjoining their grounds, within one-half mile of Mt. Sterling, to be used as a burying ground, or cemetery, which, together with the grounds they now own, shall be forever free from any interference of turnpikes, railroads, or other public improvements, unless by consent of the directory; may improve the same by suitable avenues, walks, embellishments, and adornments; may subdivide the ground into lots suitable for graves or vaults, and may sell the same at pleasure, (not inconsistent with the by-laws,) which lots shall be used exclusively for burial purposes and no other, except such portion of said ground as the Directors may see fit to appropriate to horticultural purposes, and to beautifying and adorning the grounds. And said tracts or lots of land are hereby forever dedicated and set apart to be held by said corporation, their associates, successors, and assigns for the purposes aforesaid, and no other. Said cemetery grounds, and all lots in said cemetery, shall be forever free from attachment or sale for debt, and shall be forever free from State, County, Railroad, Turnpike, or other taxes.

Officers to be  
elected.

§ 3. The affairs of this corporation shall be managed by a Board of Directors, consisting of six persons, three of whom shall be elected or appointed by Montgomery Lodge, No. 23, of Free and Accepted Masons, and three by Watson Lodge, No. 32, I. O. O. F's., under such rules and regulations as the respective Lodges may, from time to time, adopt. The Board of Directors may be appointed annually by said Lodges, and shall hold their office for one year, and until their successors are elected or appointed and installed. They shall choose a President out of their number, and appoint a Secretary and Treasurer from one or the other of said Lodges. A majority of the Directors shall constitute a quorum. In case a vacancy occurs in the Board of Directors, such vacancy shall be filled by the Lodge to which the member whose vacancy may be to fill belonged at the time the vacancy took place, for the unexpired term of his office.

Board of Di-  
rectors.

§ 4. The persons herein named as incorporators shall constitute the first Board of Directors; they shall hold their office until their successors are duly elected or appointed and installed; they shall meet for the transaction

of the business of the corporation once a month, and as often as the President may deem it necessary to call them together, and make annual reports of their actings and doings to their respective Lodges. The President, Secretary, and Treasurer, shall each hold their office for the term of one year, subject however to removal by the directory for any neglect of duty or malfeasance in office. The Secretary and Treasurer may be required to report as often as the directory meets.

§ 5. The Board of Directors shall have power to erect buildings for the general use of the corporation, and for the keeper of the grounds, and to prescribe rules for enclosing, adorning, and erecting monuments in the cemetery lots, and to prohibit any use, division, improvement, or adornment of a lot which they may deem improper; may abate or alter any improvement, construction, or division of the grounds which, in their judgment, may be objectionable or improper.

§ 6. All future receipts, whether from sale of lots, from donations, or otherwise, shall be applied exclusively, under the direction of the board, to the extension of the grounds, to laying out, preserving, protecting, and embellishing the cemetery, and the avenues leading thereto, and to paying the necessary expenses of the corporation. No debts shall be contracted on anticipation of future receipts, except for laying out, enclosing, and embellishing the grounds and avenues, for which a debt or debts may be contracted not exceeding five hundred dollars in the aggregate, to be paid out of future receipts; and no lots shall be sold by the corporation on a credit of more than thirty days, but the Board of Directors shall have power to appropriate lots for the interment of members of the two aforesaid Lodges, and such other meritorious persons not members as they may see proper.

§ 7. The original conveyances of lots from the corporation to individuals shall be evidenced by a certificate, signed by the President, and countersigned by the Secretary, under the seal of the corporation, specifying that such a person is the owner of such lot, and such certificate shall vest in the proprietor, his heirs and assigns, a right in fee simple to such lot, exempt from execution, attachment, taxation, or any other claim, lien, or process whatever, for the sole purpose of interment under the regulations of the corporation; and said certificates shall have the same force and effect as deeds duly executed in other cases, and may be recorded and certified; copies thereof shall be evidence as in other cases, and said lots, or such portions thereof as may be prescribed by the Board of Directors, and with their assent may be conveyed by deed, in due form of law, for the sole purpose of interment as aforesaid, but no original certificate shall be

May erect buildings.

How funds to be used.

Certificates for lots, &c.

1858.

granted to any person who does not produce a receipt from the Treasurer that he has paid for his lot in full, nor shall any person be the proprietor of more than two lots at the same time, unless by the unanimous consent of the Directors. All lots heretofore sold and conveyed by the committees above named in this act, or by their predecessors, are hereby legalized, and the conveyances that may have been made shall have the same force and effect, and be as binding upon the parties, as though they had been made in accordance with the provisions of this act.

*Penalty for defacing property.*

§ 8. Any person who shall wilfully, deface or destroy the tombs, monuments, shrubbery, adornments, or any thing pertaining to said cemetery or its avenues, or who shall hunt or shoot game of any kind on said grounds, shall, upon conviction of said offense, or any of them, be fined not less than five dollars, nor more than twice the value of the property injured or destroyed; and such amount shall be expended in repairing said damages, or for the improvement of the grounds. Any Magistrate of the county, the County Judge, or other court of competent jurisdiction, shall have jurisdiction in such cases. In all suits in which this corporation may be a party the members thereof shall be competent witnesses.

*Penalty for defacing graves, &c.*

§ 9. Any person or persons who shall willfully open any vault or grave within the limits of said cemetery, for the purpose of robbing such grave or vault, or corpse, or any of its clothes, jewelry, or materials placed therein, or who shall remove any body from said cemetery for the purpose of dissection, or who shall knowingly receive any such body after its removal, together with all aiders and abettors, shall be deemed guilty of felony, and upon conviction shall be punished by imprisonment in the penitentiary for a time of not less than two years, nor more than five years, and shall be liable for damages done on the premises.

§ 10. This act shall take effect from its passage.

Approved February 15, 1858.

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#### CHAPTER 564.

AN ACT to charter the Masonic Publication Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Robert Morris, Edward Crosland, James H. Craig, G. S. Miles, Felix G. Bard, Joseph T. Brennan, Joshua H. Dodds, Solomon W. Cochrane, George Whitcomb, Edward H. Gordon, John H. Nichols, Edward P. Latham, and C. R. Woodring, and all persons who now are or hereafter may become associated with them and

their successors, are hereby constituted a body corporate and politic, by the name of the "Masonic Publishing Association;" and by that name they and their successors shall and may have perpetual succession, and shall in law be capable of suing and being sued in any court whatsoever; and they and their successors may have and use a common seal, and the same may alter and change at pleasure.

§ 2. The object of said corporation shall be to diffuse the blessings of Masonic literature throughout the United States and elsewhere, by the publication and distribution of the Universal Masonic Library and other Masonic publications and means of instruction.

§ 3. The said incorporation shall, in law, be capable of taking, receiving, purchasing, and holding personal estate for the purposes of their incorporation only, to an amount not exceeding the sum of sixty thousand dollars, which shall be divided into shares of five dollars each; likewise by-laws for the management of its affairs, not inconsistent with the constitution and laws of this State or of the United States; to elect and appoint officers and agents of the said society, for the management of its business, and to allow them a suitable compensation.

§ 4. The management and disposition of the affairs and property of the said corporation shall be vested in a board of thirteen Directors, to be annually elected at the city of Hickman, county of Fulton, on the second Monday in April. The first Directors shall be the parties named in section 1st, who shall continue in office until the second Monday in April, eighteen hundred and fifty-nine, and until others shall be elected in their places; and so from time to time the Directors who may be elected shall continue in office until others shall be elected in their places as above. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him, and a plurality of votes given shall constitute a choice.

§ 5. The Directors appointed in this act, at their first meeting, and their successors at their first meeting after their election, shall appoint one of their number President, and also choose a Secretary and Treasurer; and they shall have power to fill all vacancies occasioned by death, resignation, or otherwise. Seven members of the board shall constitute a quorum.

§ 6. No stockholder shall be liable to the creditors of the company beyond the amount of his or her subscription actually paid in.

§ 7. The General Assembly may at any time alter and modify or repeal this act.

§ 8. This act shall take effect immediately.

Approved February 15, 1858.

1858.

## CHAPTER 565.

## AN ACT to incorporate the Kentucky Association of Teachers.

For the advancement of the cause of education in this Commonwealth, by elevating the standard of moral character and scholastic attainments among teachers,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Association of Education recently formed in this State, to whom rights and privileges are hereinafter granted, shall be known by the title of "The Kentucky Association of Teachers."

§ 2. The President, the ten Vice Presidents, the Secretary and Treasurer, provided for in the constitution of the association, and their successors in office, shall constitute a Board of Directors of the said association. They shall be and are hereby constituted and created a body politic and corporate, in law and in fact, under the style and title of the "President and Directors of the Kentucky Association of Teachers." They may have a corporate seal, may sue and be sued, plead and be impleaded, in this Commonwealth or elsewhere, in any court of law or equity. They may receive and hold in trust for said association, any property obtained by gift, bequest, devise, purchase, or otherwise, real, personal, or mixed: *Provided*, The yearly income of said estate shall not exceed twelve thousand dollars. They may make by-laws, rules, and regulations for the government of said association, not inconsistent with the constitution and laws of this State or the United States—which by-laws, when approved by said association, shall be of the same force as if incorporated in this act.

§ 3. The officers of this association, as a Board of Directors, shall have and maintain succession as follows: The President, ten Vice Presidents, Secretary, and Treasurer, elected by ballot according to the constitution, shall be *ex-officio* members of the Board of Directors during their term of office, and shall serve until others are duly elected.

§ 4. The Board of Directors, or a majority of them, shall have power to admit members into the association, and receipt for the entrance fee, subject to the vote of the association at its next meeting.

§ 5. The President of the association shall be *ex-officio* President of the Board of Directors, and may call a meeting of the board, or of the association, whenever in his judgment the interests of the association require it. In case of a vacancy in the Board of Directors by death, resignation, unwillingness to serve, or otherwise, the board shall have power to fill such vacancy until the next regular meeting of the association. In all meetings of the board five members shall constitute a quorum.

§ 6. This act shall take effect from and after its passage. The General Assembly reserves the right to alter, amend, or repeal this act, or any part thereof, at any time hereafter.

Approved February 15, 1858.

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1858.

#### CHAPTER 566.

AN ACT to extend the powers of the Trustees of Leesburg in Harrison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Trustees of Leesburg, and their successors in office, be empowered to impose a tax, not to exceed twenty-five cents on the one hundred dollars worth of all property, both real, personal, and mixed in said town, for the improvement of the streets in said town.

Approved February 15, 1858.

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#### CHAPTER 567.

AN ACT for the benefit of the Assessor of Henderson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Assessor of the county of Henderson shall have until the first day of June, 1858, to make his assessment of said county, and return his book as now required by law.

§ 2. This act shall take effect from its passage.

Approved February 15, 1858.

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#### CHAPTER 568.

AN ACT supplemental to an act incorporating the Big Sandy Navigation Company.

Whereas, The General Assembly of the Commonwealth of Kentucky, by an act approved January 5, 1858, created William P. Mellen and others a body corporate and politic, under the name and style of "the Big Sandy Navigation Company," for the purpose of improving the navigation of Big Sandy river from its mouth to Peach Orchard, in Lawrence county, Kentucky, by locks and dams or otherwise; and whereas, the General Assembly of the Commonwealth of Virginia, by an act passed March 3d, 1854, created George R. C. Floyd and others a body corporate and politic, under the name and style of "the Virginia and Kentucky Navigation Company," for the purpose of improving the navigation of the same river from its

1858.

mouth to the forks at Louisa, and thence up the Tug fork to the mouth of Wolf creek, which last act was amended by an act of the General Assembly of the Commonwealth of Virginia passed January 18th, 1858; and whereas, the said river is the boundary line between the States of Virginia and Kentucky, from its mouth to the forks at Louisa, and thence the Tug fork thereof continues to be the said boundary line, wherefore it is necessary that both States should co-operate in granting the rights for the improvement of its navigation. Now therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said George R. C. Floyd and his associates, or a majority of them, incorporators under the above named act of Virginia, and the said William P. Mellen and his associates, or a majority of them, incorporators under the above named act of Kentucky, or the said two companies after the organization thereof, under the provisions of their respective charters, may enter into contract and agreement with each other to consolidate the two companies, under the name and style of either of them, or under such other name and style as they may agree upon, for the construction of the said slackwater improvement from the mouth of the said river to the forks thereof at Louisa; and the said consolidated company, under the name and style as aforesaid, is hereby created and constituted a body corporate and politic, for the purposes aforesaid, with all the rights, powers, privileges, and immunities, and subject to all the conditions, restrictions, and reservations contained in the respective acts above named, or either one of them under which they may consolidate, as fully as though the same were herein again repeated.

§ 2. In the construction of the navigation improvement of the Tug fork of said river, the said George R. C. Floyd, and his associates; under the act of the General Assembly of Virginia, above named, are hereby created and constituted a body corporate and politic, for the purpose of making the said improvement of the Tug fork of Big Sandy river from the forks thereof at Louisa, up to Wolf creek, with all the rights, powers, privileges, and immunities, and subject to all the conditions, restrictions, and reservations contained in the said act passed by the General Assembly of Virginia, March 3d, 1854, with the amendatory act thereto, passed January —, 1858, or to all the rights, powers, privileges, and immunities, and subject to all the conditions, restrictions, and reservations of the said act passed by the General Assembly of the Commonwealth of Kentucky, as fully as if the same were herein again repeated.

§ 3. This act shall be in force after its passage.

Approved February 15, 1858.

## CHAPTER 569.

1858.

AN ACT authorizing the Madison County Court to levy a tax to improve the poor house lands in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the County Court of Madison, (a majority of the Justices concurring,) be and they are hereby authorized to levy an *ad valorem* tax upon the taxable property of the county, sufficient to make such improvements on the poor house grounds as may be necessary for the accommodation of the paupers of the county; and the said tax shall be collected in the same manner as the tax for the building of the court house was authorized by law to be collected.

Approved February 15, 1858.

## CHAPTER 570.

AN ACT to amend the charter of the town of Munfordville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the present corporate boundary of the town of Munfordville be the same as they now are; and it is hereby made the duty of the present Trustees of said town, on or before the first day of April, 1858, to cause the lines of said town to be run and marked, and the corners and intersections of the same to be designated by stones placed thereat.

Corporate limits.

§ 2. That hereafter the fical, municipal, and prudential concerns of said town shall be vested in five Trustees, who shall be elected annually on the first Saturday in April, in the manner hereinafter prescribed, by the free white male citizens of said town over the age of twenty-one years, who shall have resided in said town six months previous to said election; said Trustees shall hold their offices one year, and until their successors shall be elected and qualified; that they shall, before they enter upon the discharge of their duties, take an oath before some Justice of the Peace faithfully to discharge the same during their continuance in office; no person shall be a Trustee of said town who is not, at the time of his election, a real estate owner therein, and who has not resided in said town twelve months next preceding his election. They shall have power to fill any vacancy that may occur in their board. It shall be their duty at their first meeting after their election, to appoint one of their own body to preside at their meetings, to be styled the the "President of the Board of Trustees," to whose management and control the executive affairs of said town shall be entrusted. A majority of the board shall constitute a quorum,

Trustees elected and duties.

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for the transaction of business, and in the absence of the President may elect a President for the time being: *Provided*, That the present Trustees shall continue in office until their successors herein provided to be elected shall be elected and qualified.

§ 3. That said Trustees shall be a body politic and corporate, and shall be known by the name and style of the "Board of Trustees of Munfordville;" and in that name may sue and be sued, contract and be contracted with in all courts and places, may use either a common or private seal, and do all other acts which a body politic and corporate, having perpetual succession, may lawfully and rightfully do.

May make by-laws, &c.

§ 4. That they shall have power to make and receive all necessary conveyances in relation to said town; they shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth; they shall have power to assess and collect, annually, an *ad valorem* tax of not exceeding thirty cents on each one hundred dollars of real and personal estate in said town, and a poll-tax of one dollar on each tithe; and upon the refusal of any person, so assessed, to pay said revenue or poll-tax, or upon the return by the Town Marshal, hereinafter provided, of any delinquent list, they may order a sale of the real or personal estate of said person for the payment of his taxes, after a due advertisement of said sale has been made: *Provided*, That it shall be the duty of said Trustees to keep the streets in good repair for transportation and travel, and for each failure to do so they shall, upon an indictment or presentment by the grand jury, be fined by the Hart Circuit Court a sum not exceeding twenty-five dollars, to be collected of them by the Sheriff, and paid into the town treasury; they shall have power to declare, by their by-laws, what are nuisances in said town, and abate the same, and may impose fines and penalties upon whomsoever may cause them; they shall have power to provide for and erect a suitable market house, and for that purpose may purchase ground, and regulate the market, and appoint a market-master.

Trustees to have charge of burying ground.

§ 5. That said Trustees shall have control of the graveyard near said town, and are hereby invested with power to add, by purchase, to said ground, not more than ten acres, or to purchase a new and more eligible site of not more than ten acres, and may lay off and sell burial rights or lots, and appropriate the proceeds to improving and beautifying the grounds, and may, by their by-laws, impose a fine not exceeding fifty dollars upon any person trespassing upon or injuring the grounds or improvements.

§ 6. That they shall have power over the streets, alleys, side walks, and public squares in said town; and it is hereby made their duty, in all that part of said town where the same has not been done, to proceed, without delay, to open roads, streets, and alleys, for the convenience of the public, and wants of society may require it, and may do this by purchase from, or the consent of, owners of property, or by the application of the Chairman of the Board of Trustees to the County Court for a writ of *ad quod damnum* to open streets, roads, and alleys, or parts of the same, said writ to be issued upon the proper parties made, and like proceeding had, as provided by law for opening public highways; and upon payment of damages assessed said streets, roads, and alleys to become public highways, and vest in said Trustees by order of court, and be under their control and management: *Provided*, That no such street or alley shall in any case be opened through any burial ground or dwelling house, nor shall they be opened through private grounds without the consent of the owner, unless the wants of society require it: *And, provided further*, That the failure of said Trustees for six months from the 1st of May next to cause such streets belonging to said town, as are now contrary to law closed and obstructed, to be opened and such obstructions to be moved, shall subject them to a fine of not more than fifty dollars, to be imposed by the Hart Circuit Court, upon presentment or indictment by the grand jury —such fine when collected to be paid into the town treasury.

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Streets, alleys,  
etc.

§ 7. That they shall, as the wants of society require, and the means in the treasury allow, grade and pave or McAdamize the streets in said town: *Provided*, That after any street shall have been paved or McAdamized, they shall have power and authority to cause the sidewalks of such streets to be graded and paved at the expense of the owners of lots fronting the same; if said owners shall refuse to do so themselves, after reasonable notice is given, and the costs, and expenses so incurred by the Trustees may be listed and collected as other town taxes are collected, and lien upon such lots shall be given, to the Trustees for the payment thereof: *Provided*, That in all sales of lots for such purpose, or for revenue tax by said Trustees, the owners of the same shall have three years in which to redeem them by paying the purchase money, with twenty per cent. per annum thereon: *Provided further*, That infants, *femes covert*, and persons of unsound mind, shall have one year after such disability is removed to redeem the same.

May improve  
streets, etc.

§ 8. It shall be the duty of the present Trustees, on or before the first of April next, to cause to be made out two maps of said town, one upon a small scale for record-

Maps of town  
to be made out

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ing, which shall be recorded in the Clerk's office of the Hart County Court, sworn to as correct by the person appointed by the Trustees for the purpose of making the same, and the certificate of said oath likewise recorded, and one upon a large scale to be hung up in said Clerk's office, for the use of the citizens, upon which maps shall be made a plat of the survey of said town, and all the streets, roads, and alleys shall be designated that are now opened, or that may be opened, and all lots by number that are laid off, and any other description that may be necessary.

*May suppress  
tippling houses,  
etc.*

§ 9. That the Trustees shall have power to pass by-laws for the suppression of tippling houses, bawdy houses and houses of ill-fame, gambling houses, and such other houses as are the common resort of idle and dissolute persons; to prohibit all retailers of spirituous liquors from retailing the same, and by providing and enforcing adequate penalties; to punish all riots, disorders, and breaches of the peace, and any indecent or licentious behavior.

*May tax stores,  
etc.*

§ 10. That they shall have power to provide for taxing all or any store, grocery, or retail establishment that may be commenced or opened at any time subsequent to the day fixed for the annual assessment; they shall have power to tax pedlers, auctioneers, in addition to the tax now imposed by law, not more than one-fourth of one per cent., and require them to take out license, under such restrictions and penalties as may be necessary to enforce such tax, as well as the power to tax and license agencies of insurances, shows, exhibitions, theatrical performances, concerts, and all places of public amusement where money is charged for admission to the same: *Provided*, That scientific and literary lectures shall be exempt.

*Tavern licenses,  
etc.*

§ 11. That they shall have power to tax, and the exclusive right to license, all taverns, houses of entertainment, coffee-houses, retailers, victualers, confectioners, and all houses of public resort in said town, such sums of money as they may provide: *Provided*, That the State tax upon tavern license shall be paid over to the Clerk of the Hart County Court in the same amount that is now imposed by the Revised Statutes of Kentucky.

*Trustees to ap-  
point officers.*

§ 12. That said Trustees shall appoint a Clerk, a Treasurer, Assessor of Tax, being citizens of said town, whose term of office shall continue one year, unless removed by said board; and it shall be their duty to keep records of the proceedings properly belonging to their respective offices; to enter into such bonds for the faithful performance of their duties as said board may prescribe; and such pay may be allowed them for their services as may be fixed by said Trustees.

§ 13. A Police Judge and Town Marshal shall be elected annually by the qualified voters of the town, and hold their offices for one year, and until their successors are elected and qualified, the first Monday in August. The polls of the election of Police Judge and Town Marshal shall be returned to the County Court of Hart County at its first term after said election, and the said County Court shall certify the result of the election, so far as the Police Judge is concerned, to the Governor of Kentucky, whose duty it shall be to issue a commission for the person elected to the office of Police Judge, who shall be a judicial officer, and styled the "Police Judge of the town of Munfordville."

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Police Judge  
and Marshal to  
be elected.

§ 14. The Police Judge, before he enters on the duties of said office, shall take an oath before some Justice of the Peace or judicial officer of Hart county, to faithfully discharge the duties of said office to the best of his ability, without favor or affection, and without partiality to either party, together with such other oaths as other public officers are required to take by the law and constitution. The said Police Judge shall have jurisdiction within said town and the town district, of Civil Causes to the same extent that Justices of the Peace now have or may hereafter have in this State, and shall have the same jurisdiction of crimes and misdemeanors committed within said town and town district as two Justices of the Peace now have, and shall have full jurisdiction within said town of all offences committed against the by-laws and ordinances of said town, and shall have exclusive power to enter judgments, and issue executions for all fines and penalties for such offenses; he shall have power to grant attachments, and injunctions, and writs of *ne cessat*, to the same extent that Justices of the Peace, selected by the County County Court, now have. It shall be the duty of said Police Judge to keep a record of his proceedings, copies of which shall be evidence to the same extent, and for the same purposes, that copies of Justices' records now are; he shall have power to issue *subpoenas* for witnesses, or other process to compel the attendance of witnesses before him, and to punish all contempts against his authority by fines not exceeding five dollars in each case; he shall have power to order the Marshal, or other officer, to summon a jury in cases cognizable before him, where a jury is required by law; he shall have power to take and certify depositions as Justices of the Peace and examiners now have, which shall be allowed to be read as depositions are now allowed to be read which are taken and certified by such Justices or examiners; he shall be allowed and entitled to the following fees, viz: For a peace warrant, fifty cents; warrant in case of riot, rout, or un-

Police Judge to  
take oath.

Jurisdiction, &c.

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lawful assembly, or breach of the peace, fifty cents; for a warrant for a violation of by-laws or ordinances, where the Trustees are plaintiffs, twenty-five cents; for swearing a jury, and presiding over a trial, fifty cents; for a *subpoena*, fifteen cents each; for original judgments in civil cases, fifteen cents, and other fees shall be same allowed justices for similar services; and he shall have power to collect in the same way that Justices now collect their fees; he shall have jurisdiction of all cases of motions and suits against the Treasurer, Clerk, Marshal, and other officers of said town, for all sums of money received and paid out by them whenever required by any officer or citizen of said town, to take cognizance thereof.

Appeals may be taken.

§ 15. Appeals from all judgments rendered by said Police Judge, in civil cases, shall be allowed to any party under the same rules and regulations, and to the same tribunals, as appeals are now allowed from Justices of the Peace in like cases.

Marshal—his duties.

§ 16. The Marshal shall have the same powers, and perform the same duties, and be liable to the same penalties, that Constables of this Commonwealth are now by law or may hereafter be authorized to perform or be subject to. And said Marshal, before he enters on the duties of his office, shall take an oath for the faithful performance of his duty in the County Court of Hart county, and shall execute and acknowledge bond with good and sufficient surety, to be approved by said County Court; in a penalty of not less than three thousand dollars, payable to the Commonwealth of Kentucky, with similar conditions of Constables' bonds as are now required by law, and the same may be put in suit for a failure to perform the conditions of said bond by any person injured, in the same manner as suits are now authorized to be brought on a Constables' bond; and said Marshal shall also be subject to motion against him and his surety before said Police Judge, for a failure to pay over money to the person or persons entitled to receive the same, under the rules and regulations and restrictions as motions are authorized to be made against defaulting Constables; he shall collect all taxes of said town, and other demands in any part of said county of Hart, that may be put into his hands to collect, and account for and pay over the same to those entitled thereto, under the same rules required by law of Sheriffs in the collection of taxes, and of Constables in the collection of executions and other demands; said Marshal shall be entitled to such fees for collecting the town tax as said Trustees may allow by their by-laws: *Provided*, That said Police Judge shall have power and authority to direct his process to be executed by any Constable of said county; and said Marshal shall have power to perform any official duties in said county that Constables may now perform.

§ 17. That all fines and forfeitures for a violation of the ordinances of said town, in all cases cognizable before the Police Judge, shall be collected and paid into the treasury for the use and benefit of said town.

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Fines, forfeitures, &amp;c.

§ 18. That all contracts entered into by or with former Trustees of Munfordville shall be binding and obligatory on the Trustees to be elected under this act.

Former contracts binding.

§ 19. That the election of Trustees, Police Judge, and Town Marshal shall be conducted by the Town Clerk, and one or more of the Trustees in office at the time of such election, or by such other persons as may be appointed by the board for that purpose, and shall be held at such place as may, by the board, be designated; and after the polls shall have been closed it shall be the duty of the officers conducting the same to return the same to a board of examiners of three persons, to be selected by the Trustees, who shall compare the same, and shall certify to the Clerk of the Board of Trustees, then in office, the names of the five persons having received the highest number of votes for Trustees, and said Clerk shall record said certificate on their books; and said Trustees, so elected, shall immediately thereafter, qualify and enter upon the duties of office.

By whom elections are to be conducted.

Approved February 15, 1858.

## CHAPTER 571.

AN ACT to re-locate the State Road in Whitley, and erect a toll gate thereon.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That A. B. King, and William S. Cook, of Whitley county, and Lemuel Hibbard, of Laurel county, be and they are hereby created a board of Commissioners to review and relocate the State Road from London, in Laurel county, by way of Williamsburg, to the Tennessee line. That before they enter upon the discharge of their duties they shall take an oath before some legally authorized officer faithfully to discharge the duties assigned them under the provisions of this act.

§ 2. The Commissioners shall examine the present locality of said road, and any other route they may think proper, and shall have power to change said location at any point, and also have power to change the point from which said State Road diverges from the Cumberland gap road, (which is now at London,) to any point South of London they may deem best; and after they shall have made a thorough and satisfactory examination of the different routes, they shall submit their reports to the County Courts of the respective counties of Laurel and Whitley,

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being governed, in their reports, by the laws in relation to viewers of roads; and said courts, on submission to them of the reports, shall be governed in relation thereto by the laws in force in relation to county roads.

§ 3. The County Courts of Laurel and Whitley shall, if, after the reports are submitted, and the legal process had as in cases of county roads, they deem it for the public good, order the same opened and improved, or any part thereof they may deem best, according to the grade and quality of improvements on said road as at present.

§ 4. So soon as said road shall have been so improved and finished the County Court of Whitley shall erect a toll-gate thereon, and appoint a gate keeper, who shall hold said appointment for one year only, or until his successor shall qualify, from which gate keeper the court shall take bond or covenant sufficient to indemnify against loss, or said court may sell the gate to the highest bidder, at the court house door in the town of Williamsburg, first having given at least twenty days notice in writing, posted up at London, Barbourville, and Williamsburg, and at least five other public places in Whitley county. Said court shall make all needful rules and regulations, in relation to said gate, and fix the rate of tolls: *Provided however,* That the rules and regulations imposed by said court shall be in accordance with the laws regulating toll-gates, and the amount of tolls charged shall in no case exceed the tolls charged at either the Cumberland gap gate, in Knox county, or those on the Richmond or Crab Orchard fork of said road.

§ 5. Citizens of Laurel and Whitley counties, together with teams, carriages, live stock, or other thing chargeable with toll, used for the time being for, or by any of the citizens of Laurel or Whitley, shall be exempt from toll at said gate; and the net proceeds of said gate shall be applied to the building and repairing of the necessary bridges on said road, and to no other purpose, and shall be so divided and distributed as to give the whole road an equal disbursement of said fund, that portion in Whitley being under the control of the Whitley County Court, and that portion in Laurel under the control of the Laurel County Court, which courts shall respectively order the repairs and improvements according to the provisions of this act. The courts aforesaid may have power, each, to appoint a Commissioner to superintend the opening of the road, and making any improvements provided for in this act, instead of requiring it done by the surveyors in their respective precincts.

§ 6. A majority of the Commissioners named in the first section of this act shall constitute a quorum to transact business, and shall have power, any two being pres-

ent, to fill any vacancy that may occur in the board. They shall be allowed the sum of two dollars per day, each, for each day they may necessarily be engaged in the discharge of their duties, to be paid out of the county levy of their respective counties, or out of any money in the county treasury, as the County Court of each county shall direct and order.

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§ 7. This act shall take effect from the date of its passage.

Approved February 15, 1858.

### CHAPTER 572.

AN ACT to incorporate the Southern Kentucky Farmers' Insurance Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Jno P. Campbell, Jr., William E. Price, William H. Scott, Robert McKee, John C. Latham, Joseph K. Gant, William H. Pendleton, William A. Glass, and James U. Campbell, together with their successors, associates, and assigns, be and they are hereby created a body politic and corporate, under the name and style of "The Southern Kentucky Farmers' Insurance Company," and shall continue until the first day of January, 1890, and by that name are made capable, in law, to have, purchase, and receive, posses, enjoy, and retain, sell, convey, or otherwise dispose of, to them or their successors, lands, tenements, rents, goods, chattels, public and private securities of any kind, quality, and nature whatsoever, including shares of the capital stock of this corporation, not exceeding, at any one time, the amount of the capital stock of this corporation and accumulated profits; and to sue and be sued, plead and be impleaded in any court of record in this Commonwealth, or in any other place whatsoever; and to make and use a common seal, and the same to break, alter, or renew at pleasure; also to ordain, establish, and put in execution and amend such by-laws as may be necessary and convenient for the government of the said corporation, not contrary to the laws of this Commonwealth.

Corporator's.

Corporate pow-  
ers.

§ 2. The capital stock of said corporation shall be fifty thousand dollars, in five hundred shares of one hundred dollars each; but at any time after the organization of the company the President and Directors, with the concurrence of the owners of a majority of the stock, should deem it advisable to increase the capital stock of the company, the same may be increased to an amount not exceeding two hundred thousand dollars, by sale of additional shares of one hundred dollars each, on such

Capital stock.

1858.

terms, and in such manner, as the President and Directors may direct.

When books to be opened.

§ 3. The corporators named in this act, or any one or more of them, shall, as soon as may be deemed advisable by them after the passage of this act, open books of subscription for five hundred shares of the capital stock of said corporation, first giving at least ten days notice of the time and place of opening said books of subscription, by publication in some newspaper published in Hopkinsville; and when five hundred shares shall have been subscribed for, the books shall be closed; and thereafter notice shall be given, in like manner as in case of opening books, of a meeting of the subscribers, at which meeting ten dollars in money shall be paid upon each share subscribed for, and the company be organized, after which the remaining ninety dollars on each share shall be secured by the notes of the subscribers, secured to the satisfaction of the President and Directors, and to be paid at such time or times as they may designate. If any of the corporators named in this act shall fail to subscribe for stock when the books are opened for subscriptions, they shall cease to be corporators; and if any person or company subscribing for shares of the stock of said company, shall fail to pay the ten dollars on each share at the time and place such payment is to be made, according to notice, such stock shall be forfeited to the company, and may be disposed of by sale or otherwise. And if at any time any shareholder shall fail to pay any call upon the note for unpaid installments, or shall refuse or neglect to give a note with security satisfactory to the President and Directors of said company, the stock of such shareholder shall be forfeited thereby to the company, and may be sold, the company accounting for the proceeds of sale thereof, first deducting all claims for calls, or other claim against such shareholder, held by the company.

Qualifications of officers.

§ 4. The shareholders who shall each own one hundred shares of the capital stock of said company in their own right, shall, by virtue thereof, be Directors of the company; any copartnership firm owning one hundred shares of the stock shall have the right to designate in writing, from year to year, one member of the firm to act as Director, which designation shall be recorded on the minutes of the corporation; and the shareholders owning less than one hundred shares of the said stock shall have the right to designate one person of their number for every one hundred shares owned by such shareholders to be a Director of the company, which designation shall be entered upon the minutes of the corporation when any Director ceases to be a shareholder to the amount of one hundred shares, he shall cease to be a Director, unless

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designated as such by a copartnership firm owning one hundred shares, or by the shareholders owning less than one hundred shares of stock.

How company  
organized, &c.

§ 5. The Directors of said company shall first organize by the election of one of their number as President, to hold office until his successor is elected and qualified; and they shall also elect at least two of their number to serve until the ensuing first Monday in January, and then annually thereafter, on the first Monday in January, and then annually thereafter, on the first Monday in January, shall elect at least two of their number to serve in conjunction with the President as a business committee, which committee shall have the general direction and control of the transactions of the corporation. And the President and Directors shall elect such officers and agents as may be necessary for the transaction of the business of the company, fix their salaries and prescribe their duties, and may require from any officer bond with security in such sum as they may deem adequate. The salary of the President shall be fixed by the Directors. A majority of the whole number of Directors shall be a quorum for the transaction of business, and their regular meetings shall be held on the first Monday in January and July of each year; and at each regular meeting a statement of the affairs of the company and its business for the preceding six months shall be exhibited; and if any profits have been made, the President and Directors shall declare a dividend of such portion thereof on each first Monday of January and July, as they may deem expedient; but no dividend shall be paid out to the shareholders in money out of any of the earned or unearned premiums of insurance received by the company, until the shareholder shall have paid off his stock note. The business committee may call meetings of the Directors when deemed necessary.

§ 6. Whenever the sum of ten thousand dollars in cash has been paid by the shareholders, and the further sum of eighty dollars on each share subscribed has been secured by note as herein before provided, the President shall have full power and authority, in the name and behalf of the said company, to make all kinds of marine and fire insurance, and re-insurance on property of any and every kind, within the United States, or elsewhere, on the general conditions of marine and fire insurance, or upon particular principles and conditions designated in the policies issued by the said company.

When business  
to be commence-  
ed.

§ 7. The said company shall have power and authority to employ any portion of their stock or funds on hand, in the purchase or discount of foreign or domestic bills of exchange and promissory notes made negotiable and payable at the office of said company, or at any of the Banks, or branches of Banks, chartered by this Common-

May deal in bills  
of exchange.

1858.

wealth; and any of the promissory notes purchased or discounted by said company, shall be and they are hereby placed on an equal footing with foreign bills of exchange, and remedy may be had thereon, jointly or severally, against the drawers and indorsers, and with the same effect, except as to damages. And the said company may buy and sell checks, and may receive deposits of money.

How company  
may do insur-  
ance business.

§ 8. The said company may, with the concurrence of the owners of a majority of the shares of the capital stock, transact the insurance business upon the mutual principle, dividing the profits with insurers, on such terms as may be prescribed in the by-laws of the company, and issuing scrip stock certificates for the proportion of profits divided to non-shareholders, which scrip stock shall be liable for the losses before the capital stock of the company. And when scrip stock has been issued to the amount of one hundred thousand dollars, the subsequent accumulation of profits represented by scrip stock shall be applied to the redemption of the amount in excess of one hundred thousand dollars, beginning with the certificates of oldest date outstanding, paying pro rata of the sum to be thus applied when there is a larger amount of scrip of one date than the sum applicable to its redemption.

Certificates of  
stock, &c.

§ 9. The form of certificates of stock and certificates of scrip stock, and the manner of transfer of the same, shall be fixed in the by-laws of the company. And a lien is hereby created in favor of the corporation, on the shares of stock, or scrip stock, of any holder thereof, for any claim of any kind whatever which the company may hold against the holder of such shares of stock or scrip stock.

Where office to  
be kept.

§ 10. The office for the transaction of the business of the company shall be in Hopkinsville, in Christian county, Kentucky. The President and Directors may appoint agents for said company, in any county in the State, when deemed advisable by said President and Directors.

Approved February 15, 1858.

#### CHAPTER 573.

AN ACT to incorporate the Stamping Ground and Harmony Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Name and style. § 1. That a company shall be formed, under the name and style of the "Stamping Ground and Harmony Turnpike Road Company," for the purpose of making a turnpike from the Stamping Ground and Lecompte's Run

turnpike, at Joseph Yates', by the way of B. F. Sailer's, E. B. Duvall's Mill, and Poindexter's Mill, to Harmony, in Owen county.

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§ 1. That the capital stock of said company shall be ten thousand dollars, to be divided into shares of one hundred dollars each; and if it shall be ascertained that the capital stock is more or less than is sufficient to accomplish the object of this act, then the President and Directors may enlarge or diminish the same to such an amount as may be necessary, and open subscriptions therefor in such manner as they may think proper.

Capital stock.

§ 3. That the books for the subscription of stock in said company shall be opened on the third Saturday in March next, or as soon thereafter as convenient, at the town of Stamping Ground, under the direction of E. B. Duvall, B. F. Sailer, Sanford Tomlinson, Charles Murphy, and John A. Poindexter, or some two or more of them, who are appointed Commissioners to procure subscriptions of stock to said company; and they shall procure a book, and the subscribers to the stock of said company shall enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, promise to pay to the President, Directors, and Company, of the Stamping Ground and Harmony Turnpike Road Company, the sum of one hundred dollars for each share of stock taken by us in said company, agreeably to an act of the General Assembly incorporating said company. Witness our hands this day of , 185 ."

Books to be opened.

§ 4. That the provisions of the act, entitled, an act to incorporate the Stamping Ground and Lecompte's Run Turnpike road company, incorporated at this session of the legislature, so far as the same are applicable, shall be the law of this company, except that the Commissioners may elect a President and Directors when two thousand dollars are subscribed, and they may erect a toll-gate and charge toll when they shall have finished and two miles of said road.

Commissioners.

§ 5. The President and Directors of this company may have their tolls collected at the toll-gate of the Stamping Ground and Lecompte's Run turnpike road company, said last mentioned company consenting thereto.

Obligation.

Charter of another company made part of this.

§ 6. That this act shall take effect from its passage.

Where tolls may be collected.

Approved February 15, 1858.

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## CHAPTER 574.

AN ACT to amend an act creating the offices of Police Judge and Town Marshal of Lewisport.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Vacancy—how filled.

§ 1. That an act approved March 10th, 1856, entitled, an act to create the offices of Police Judge and Town Marshal in the town of Lewisport, in Hancock county, be so amended, that when a vacancy shall occur in the offices of Police Judge or Town Marshal of the said town of Lewisport, by death, resignation, removal from the limits of the town, or otherwise, upon the fact being made known to the Board of Trustees of said town, and appears satisfactory, the board shall fill the vacancy by appointment until the next August election.

Writ of election to be issued.

§ 2. That in case of vacancy aforesaid, the Board of Trustees shall cause their Clerk to issue a writ of election to the Sheriff, to cause an election to be held at the general election in August, at the school house in Lewisport, to elect a suitable person to fill such vacancy.

Commission to be issued.

§ 3. That upon the certificate of appointment by the Trustees, or the certificate of election of the board of comparison of the poll-book, certified to the Governor of this Commonwealth, he shall issue a commission to the person thus appointed or elected Police Judge to fill such vacancy. The Town Marshal may qualify and give bond, before the Board of Trustees, upon presentation of his certificate of appointment or election.

Approved February 15, 1858.

## CHAPTER 576.

AN ACT for the benefit of the Bagdad and Harrisonville Turnpike Road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it may be lawful for the County Court of Shelby county to lay off and divide the dirt road lying along and adjacent to the turnpike road leading from Bagdad to Harrisonville into sections or precincts, and may appoint overseers of the same, and allot all the hands living on the farms binding on said turnpike and dirt road, and any others that said court may deem necessary, to work said side or dirt road, and keep the same in repair, subject to the laws governing overseers and regulating the working of roads in this State: *Provided however*, That this act shall not be so construed as to prevent the Bagdad and Harrisonville Turnpike Company from collecting all the tolls on said turnpike road which by law they are now authorized to collect.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

## CHAPTER 577.

1858.

## AN ACT to authorize Wm. Grimes to sell negroes.

Whereas, It is represented to the General Assembly of the Commonwealth of Kentucky, that in March, 1857, William Grimes, of Bourbon county, Kentucky, removed to the State of Missouri with his family, with sixteen slaves, which he had raised, and the climate of Missouri not agreeing with the health of his family he returned to Kentucky for the purpose of making it his permanent home, and it is necessary to sell a part of his negroes to enable him to pay for a home. Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said William Grimes be and he is hereby authorized to sell any of said slaves without incurring any penalty therefor.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

## CHAPTER 578.

## AN ACT for the benefit of R. H. Stanhope.

Whereas, It is represented that the line between the counties of Fayette and Woodford passes over the farm and through the house of Richard H. Stanhope, leaving the greatest part of his farm in Woodford county, and doubts exists in to which county he lives or right to claim citizenship in. For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said Richard H. Stanhope is hereby declared a citizen of Woodford county.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

## CHAPTER 579.

## AN ACT for the relief of the Sheriff of Rockcastle county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That A. J. Mershon, present Sheriff of Rockcastle county, be and he is hereby allowed the further time until the first day of May, 1858, to make out and return his delinquent list to the County Court of said county; and when so returned shall have the same effect as if returned within the time required by law.

§ 2. That he be allowed the time mentioned in the first section of this act to pay the balance of the revenue due

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from said county without the payment of damage on the same.

Approved February 15, 1858.

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CHAPTER 580.

AN ACT appropriating money to Alfred Chanslor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sum of one hundred and thirty-five dollars be and the same is hereby appropriated for the benefit of Alfred Chanslor, of Mason county, for the purpose of re-imbursing him the amount by him worthily expended in the apprehension and conviction of one James Dougherty, a notorious and dangerous felon.

§ 2. That the Auditor be directed to draw his warrant upon the Treasurer of this State for said sum of money, in favor of said Chanslor, payable out of any money not otherwise appropriated.

§ 3. That this act shall take effect from its passage.

Approved February 15, 1858.

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CHAPTER 581.

AN ACT to incorporate the Berry and Raven Creek Bridge Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Name and style.

§ 1. That a company, by the name of the "Berry and Raven Creek Bridge Company," be and the same hereby is created a body politic and corporate, with perpetual succession, for the purpose of building and keeping in repair, a Bridge over South Licking, at or near the town of Berry.

Officers, and  
their duties.

§ 2. That the officers of the company shall consist of a President, five Directors, a Treasurer, and Clerk, who are to be elected annually by the stockholders, at such time and place as shall be fixed by the first Board of Directors, and may be changed by any subsequent board: *Provided*, the same is done three months previous to the first election to be held after such change; and a notice of such change shall be published in some newspaper having circulation in the county where the said Bridge is situated. The said officers, before entering upon their duties, shall make oath before some Justice or Judge of this Commonwealth, that they will faithfully and impartially perform the duties of their several officers; and such offices shall continue in office until their successors are duly elected and qualified. The Treasurer, before entering upon his

duties, shall execute to the said company a bond, with good and sufficient security, to be approved by the President of the company, in a penalty of two thousand dollars, conditioned that he will faithfully perform all his duties as Treasurer, and that he will collect and pay over all money which may be legally required of him.

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§ 3. That the capital stock of said company shall not exceed ten thousand dollars, to consist of shares of fifty dollars each, to be subscribed in a book or in books with the following covenant in substance: "We, whose names are hereunto subscribed, each promise to pay to the President and Directors of the Berry and Raven Creek Bridge Company, the sum of fifty dollars for each and every share of stock set opposite to our names respectively, in such calls as may be required by the Board of Directors."

Capital stock.

§ 4. That John M. January, G. W. Berry, John Redmon, Enoch Baker, R. M. Calhoun, J. V. Terry, are appointed Commissioners to open books and receive subscriptions of stock in the company, any two or more of whom are empowered and directed to open books, with the covenant as above, for stock in the company, at such times and places as they may think proper; and whenever there shall be upon said book fifty shares of stock subscribed, it shall be the duty of the said Commissioners, or any two or more of them, to call a meeting of the stockholders to meet in the town of Berry, on some day to be fixed by them, having first given ten days notice of the meeting at five of the most public places in the town of Berry and neighborhood, at which meeting the said Commissioners are to hold an election to elect the officers of the company, in which election each stockholder is to have one vote for each share of stock he has in the company; and the same principle to govern in all future elections; but after the first election, no stockholder who is in arrear in the payment of the calls of stock, shall be entitled to vote.

Commissioners.

§ 5. That when there shall be subscribed seventy shares of stock on the books of the company, the President and Directors shall have power to locate, and put under contract the building of the bridge, and shall have power to borrow any sum of money not exceeding two thousand dollars, for the purpose of enabling them to complete the bridge, and to mortgage the bridge to secure the payment of such sum as may be thus borrowed.

May contract for  
building bridges

§ 6. That if the owners of any land necessary for abutments, avenue, or road leading to or from the bridge, or stone quarries, shall object to sell or release the same to the company, or the parties shall fail to agree as to the damages to be paid by the company, the President and Directors shall apply to the County Judge of Harrison

How land, &c.,  
may be acquired

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county, for a writ of *ad quod damnum* to issue, directed to the Sheriff of said county, requiring him to summon a jury of twelve disinterested house keepers of his county, to meet on the premises, giving five days previous notice to the parties interested, of the time and place of meeting of the jury; and after the jury have thus assembled, they shall be sworn to well and truly to inquire into the value of the land thus condemned, and the damages the owners may sustain thereby, according to the facts proved to them, and report the same in their verdict, eight at least of said jury concurring.

May fix rates of  
toll, &c.

§ 7. That when the bridge shall be completed, the President and Directors shall have power to fix the rate of toll for crossing the bridge, and charge and collect the same; to erect a gate and toll house, and appoint a keeper for the same, and require of him such bond as they may think necessary to secure the faithful discharge of his duties, and to pay over the money collected: *Provided*, that the rate of toll shall not exceed the following: For a person on foot, five cents; person and horse, ten cents; two horse wagon, twenty cents; four horse wagon, thirty cents; six horse wagon, forty cents; ox or mule teams at same rates; hogs and sheep at one cent each; cattle and horses, in droves, two cents each; mules, in droves, two cents each. It shall be the duty of the President and Directors to keep posted up at conspicuous places on the bridge the rates of toll as fixed by them.

Meetings to be  
called.

§ 8. The Board of Directors shall be called together at such times and places, by the President, as he may desire, and they shall have recorded in a book to be kept by the Clerk, all orders, by-laws, rules, or contracts which they may make.

Payments on  
stock.

§ 9. The Board of Directors shall have power to require the payment of stock to the Treasurer in such sums as they may think proper, and whenever any stockholder has paid all his stock, they shall issue to such stockholder a certificate of stock.

Stock, how  
transferred.

§ 10. All transfers of stock shall be made on the books of the company, or be in writing and proved by two witnesses, and recorded by the Clerk in the book of the company.

Dividends to be  
declared.

§ 11. The Board of Directors, after the bridge is completed and the debts of the company are all paid, shall declare semi-annual dividends, and pay the same to the stockholders, not to exceed ten per cent. on the amount of stock, and if at any time the tolls, after paying for the repairs of said bridge, shall exceed ten per cent. on the stock, the same shall be reduced so as not to exceed ten per cent. dividends to stockholders.

§ 12. The Board of Directors shall have power to enact such by-laws and rules as may be necessary for the gov-

ernment of the company, and to effect the purposes of the organization: *Provided*, the same is not inconsistent with the constitution and laws of the State and of the United States.

§ 13. That the County Court of Harrison county shall have power to take stock in said company.

§ 14. The Board of Directors shall have power to allow and pay the President, Treasurer, Clerk, and toll keeper, for their services, such sums as they may think such services are worth.

§ 15. The Treasurer shall pay out no money belonging to the company, except on the order of the President of the Board.

§ 16. This act to take effect from and after its passage.

Approved February 15, 1855.

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*May make by-laws.*

*Harrison County Court may take stock.*

*May fix salaries of officers, etc.*

### CHAPTER 562.

#### AN ACT to incorporate the Rock Spring Coal Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Oliver P. McRoberts and Alexander R. McKee, be and they are hereby created a body politic and corporate, by the name and style of the "Rock Spring Mining Company," and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded in all courts and places; have a common seal, and alter the same at pleasure; may make all necessary by-laws for the government of said company, not inconsistent with the constitution and laws of this State or of the United States.

§ 2. That said company shall have power to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations of said company.

§ 3. That said company may hold real estate by lease or purchase, and such personal property as they may deem necessary or proper for carrying on the mining of coal or iron in Crittenden or Union counties, and transporting the same to market.

§ 4. That for the purpose of transporting coal and iron to market, either or both, said company shall have power to hold and construct a main railroad from their mines to some point on the Ohio river, or to Tradewater, with either a single or double tract, with as many collateral or side branches or railroads leading from the mouth of their pits or entrys, to intersect said main railroad at the most feasible point at or near the foot of the hill or bluff, or otherwise, as may be deemed necessary by said com-

*Corporation.*

*Name and style.*

*May employ agents.*

*May hold real estate.*

*May make railroad, etc.*

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pany, and shall have power to keep said road up, by repairing or rebuilding the same; and said company, or their agents, are hereby empowered to take possession of, and acquire right of way over not exceeding one hundred feet in width, the whole length or route of said road, with sufficient grounds at the terminus of said road on the banks of the Ohio river for depots and other buildings, yards, or landings, not exceeding three acres, to be laid off, as near as may be, in a square, and not to interfere with the buildings of the owner of the land, to be taken and laid out as said company may select; and for the purpose of compensating the owner or owners of the lands through which said roads shall pass, and which said company may want to use for depots, lines of road, &c., if the same cannot be agreed on by said company and the owner or owners of said lands, or in case the owner or owners are under any disability in law to contract, or are nonresidents of said counties, or are unknown, application may be made by said company, from time to time, as they may desire to progress with their works, to any Judge of a Circuit Court, or Justice of the Peace for either county in which said roads may be situated, and said Judge or Justice of the Peace shall issue his warrant, directed to the Sheriff or Coroner of either county in which the lands may be located, commanding him to summon eighteen jurors of said county, who are in no wise related to either party, to appear on or near said lands to be condemned under said warrant for said roads, depots, &c., and shall fix a day for the meeting of said jurors, which shall not be less than ten nor more than forty days after issuing the same; and if any of the jurors do not attend, the Sheriff or Coroner shall, forthwith, summon as many as may be necessary to fill the pannel, out of which number the parties shall select twelve jurors, and in case the parties fail or refuse to select, or are not present, the Sheriff or Coroner shall select said number of jurors for them; and said jurors, when so selected, shall be charged and sworn by said Sheriff or Coroner well and truly to assess the damages which said owner or owners of the lands in said warrant will sustain by the establishment of said roads and depots required by said company, taking into consideration any benefit which said owner may derive from said company, which inquisition shall be signed by all of said jurors, and shall state the width, and as near as may be, the length of said road or roads and shall state the quantity of land selected by said company, and condemned by them for depots, &c., describe the same by its metes and bounds; which inquisition shall be returned by said Sheriff or Coroner to the Clerk of the Circuit Court in the county in which the said road may be located, and by said Clerk filed in his office, and shall be con-

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firmed by said court at its next session, if no sufficient cause to the contrary be shown; and when confirmed, shall be recorded by said Clerk at the cost of said company; but if set aside the court shall direct another inquisition to be had, in the same manner as above prescribed; and such valuation, when paid or tendered to the owner or owners of the said lands, or deposited with the Clerk of said court, subject to the order of said owner or owners, shall vest the right of way and use and occupation of said land, for the purposes aforesaid, as fully as if it had been conveyed by the owner or owners to said company; and said valuation, if not received when tendered, may be deposited with the Clerk of said court, and may at any time thereafter be received and drawn from said Clerk by said owners, his, her, or their legal representatives or assigns; and when said valuation shall be so deposited said company shall have power, by themselves or their agents, to take and hold possession of said lands so as aforesaid condemned for the purposes aforesaid; and if said inquisition cannot be completed in one day said Sheriff or Coroner shall have power to adjourn said jury over from day to day until the same shall be completed.

§ 5. That said company shall cause a book or books to be opened, subject at all times to the inspection of any member of said company, which shall contain the names of all the members, and the estimated share of stock which each member may now or hereafter own; and the said share may be transferred on said books in the manner to be described in the by-laws of said company; and each member shall share the profits and be liable for the losses of said company, to the extent of, and in proportion to the amount of his capital stock owned in said company.

Books to be opened, &amp;c.

§ 6. That the capital stock in said company shall not exceed one million of dollars, which shall be subscribed for, divided into shares, and paid for, in such manner as said company may prescribe by their by-laws.

Capital stock.

§ 7. That said company shall pay to each of said jurors the sum of one dollar per day for each day they may be engaged, and also to the Sheriff the sum of four dollars for summoning and empanneling each jury provided for in this act: *Provided*, That this charter shall expire on the first of January, in the year nineteen hundred.

Juror's fees, &amp;c.

Approved February 15, 1858

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## CHAPTER 583.

AN ACT to establish a Police Court in the town of New Haven.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the offices of Police Judge and Town Marshal are hereby created in town of New Haven.

§ 2. That the qualified voters of said town shall, on the first Monday in March, 1858, and on the same day every second year thereafter, elect a Police Judge and Marshal, who shall hold their offices until their successors are elected and qualified.

§ 3. The Police Judge shall be commissioned by the Governor of the Commonwealth, and before he enters upon the duties of his office shall take the oaths prescribed by the constitution.

§ 4. In addition to the powers and duties conferred on the Police Judge or Court by the Revised Statutes and Code of Practice, and such as may be hereafter conferred by general law, the Police Judge so elected shall have the power and jurisdiction of a Justice of the Peace in civil cases, and shall have the same fees to which Justices of the Peace are entitled for the same services; but no civil process shall be returned before him unless the defendant, or one of them where there are two, or a majority of them where there are more than two, reside in the same district where the Police Judge resides. He shall have power to grant injunctions in all cases in which the County Judge is authorized to grant the same, and for each injunction granted shall be entitled to a fee of fifty cents, to be paid by the applicant, and taxed as costs.

§ 5. For issuing summons, warrants of arrest, and *sub-penas* for witnesses, sitting upon trial, and for other services rendered, he shall be entitled to such fees, as the Trustees of said town may prescribe, to be taxed as costs; and the Trustees of said town are hereby empowered to regulate said fees by an order of their board.

§ 6. The Marshal, before he enters upon the duties of his office shall take the oaths required by the constitution, and shall give bond with good sureties, to the Trustees of said town, for the faithful discharge of the duties of his office, to be by them approved, containing conditions similar to those in Constables' bonds; and any person injured by the official acts of said Marshal may sue or motto thereon, as upon a Constable's bond.

§ 7. The Trustees of said town, so soon as said bond shall have been executed, shall, by their Chairman, attest the same, and shall deliver it to the Clerk of their board, who shall record the same in the book of said Trustees, and shall carefully file and preserve the same; said Clerk shall give an attested copy to any person who may apply

for the same, which copy, when so attested, shall have the same force and credit in all courts of justice as records authenticated by Clerks of County Courts; and said Clerk shall be entitled to a fee of fifty cents therefore.

§ 8. Said Marshal shall, under the supervision and direction of said Trustees, perform the duties of Town Assessor and Collector; he shall have the power and authority of a Constable, and may execute all process which may issue from any Justice of the Peace or the County Judge, and in so doing shall be governed by the same laws, and entitled to the same fees, and liable to the same proceeding and penalties, to which Constables are or may hereafter be made liable. He shall have such other powers and duties, concerning the police of said town, as may be conferred upon him by the by-laws and ordinances of said town.

§ 9. For serving summons, warrants of arrests, *subpoenas* for witness, and other services under the ordinances and by-laws of said town, the Marshal shall be entitled to such fees as the Trustees may prescribe.

§ 10. The election for Police Judge and Marshal of said town shall be held by the Trustees of said town, any two of whom, under the order of the board, may act, and the Clerk of the Trustees shall act as Clerk of the board, or in his absence the Trustees holding the election may appoint a Clerk. In holding said elections the Trustees and Clerk shall be governed by the same laws, and liable to the same penalties, which apply to officers holding county and State elections in this Commonwealth, except as herein provided. They shall return their certificate of the elections held under the provisions of this act, and record the same in the record book of said Trustees.

§ 11. The Clerk of the said Board of Trustees shall, upon the filing of the return of said election, forward by mail to the Governor of the State an attested copy of the same, so far as the election of the Police Judge is concerned.

§ 12. Either party shall have the right to appeal from judgments rendered by said Police Judge, in the same manner, and in similar cases, that are allowed from judgments of Justices of the Peace.

§ 13. Said Police Judge shall enter upon the discharge of the duties of his court as soon as he receives his commission from the Governor, and qualified as herein required. He shall keep a true record of all his official acts, and shall faithfully preserve the records of his office, as a Justice of the Peace is required to do, and for a failure herein shall be subject to the same penalties, imposed by law upon Justices of the Peace; and shall deliver over to his successor all official papers, and records of his office, and on failure, shall be subject to the penalties aforesaid.

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§ 14. That a certified copy of the official acts, records, and proceedings of said Police Judge shall be evidence, and have the same effect as records of Justices of the Peace.

§ 15. The Clerk of the Board of Trustees shall act as Clerk to the Police Court.

§ 16. If a vacancy occur in the offices of Police Judge or Marshal, the said Trustees shall fill the same by appointment, until the next general election for town officers.

§ 17. The Police Judge shall hold four courts in each year in said town, for the trial of civil cases, at such times as the Trustees, by ordinance, may fix, and the office of Police Judge and Justice of the Peace, and that of Marshal and Constable, shall not be incompatible in the town of New Haven.

§ 18. This act to take effect from and after its passage.

Approved February 15, 1858.

#### CHAPTER 584.

AN ACT reviving the law licensing Ten Pin Alleys in Trimble county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the provisions of an act, entitled, an act to repeal all acts to license billiard tables, bowling saloons, and Jenny Lind tables, approved March 10, 1856, shall not apply to the county of Trimble.

§ 2. That the laws in force prior to the 10th of March, 1856, in relation to licensing billiard tables, bowling saloons, and Jenny Lind tables, be and the same are hereby revived and declared to be in full force in the said county of Trimble.

§ 3. This act shall take effect from and after its passage.

Approved February 15, 1858.

#### CHAPTER 585.

AN ACT authorizing the sale of poor house lands in Nicholas county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the County Court of Nicholas county be and the same is hereby authorized to sell and convey the land belonging to said county, on which the poor house of said county is located; and the money arising from the sale of said land shall be appropriated for the purchase of another tract of land, for the use and benefit of the poor house of said county.

Approved February 15, 1858.

## CHAPTER 586.

1858.

AN ACT to repeal in part the first section of an act, entitled, an act to amend the charter of the Henderson and Nashville Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the first section of an act approved March 10, 1854, entitled, an act to amend the charter of the Henderson and Nashville railroad company, be and the same is hereby repealed so far as the counties of Christian, Hopkins, Henderson, and Todd are concerned.

§ 2. This act shall take effect from its passage.

Approved February 15, 1858.

## CHAPTER 587.

AN ACT authorizing the County Court of Kenton county to divide Justices' Districts into voting Precincts, and to establish voting places therein.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the County Court of Kenton county is hereby authorized, any time sixty days before an election, to divide any Justices' District into two or more voting precincts, and to establish the places of voting in the same, and to prescribe the boundaries of such precincts, upon the petition of a majority of the voters of that portion of the district in which the new precinct is to be established, if it shall seem right and proper to the court. No voter shall vote out of his precinct thus established.

Approved February 15, 1858.

## CHAPTER 488.

AN ACT to amend an act, entitled, "an act to incorporate Bethel Academy."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of the 1st section of an act establishing Bethel Academy, as relates to Trustees, and the manner of their election, be and the same is hereby so amended as to authorize the election of Trustees for said Academy, by the qualified voters of Jessamine county.

§ 2. There shall be one Trustee elected by the qualified voters of each voting precinct in said county, on the first Monday in August, 1858, whose term of service shall be six years, unless vacated by death, removal, or resignation, in which event the majority of said Trustees may fill the vacancy so created, by the appointment of a suitable person from the district in which such vacancy occurs.

§ 3. The Trustees of said Academy shall elect from their number a President, with such qualifications as are

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required by the 6th section of the original charter; they shall also elect a Treasurer, who shall be required to give bond with approved security, for the faithful performance of his duties; they may also appoint a Clerk, whose duty it shall be to keep a faithful record of the action of said Trustees from time to time.

§ 4. The Trustees may have the privilege of sending to any school which may be taught at Bethel Academy a beneficiary pupil, who may be selected by said Trustees from the several precincts in the county: *Provided*, That if said pupil selected is not in a condition to pay for his tuition, then the tuition of said beneficiary may be appropriated out of the interest of any moneys which may be under the control of said Trustees.

§ 5. All provisions in the original act of incorporation, not in conflict with this amendment, shall remain in full force; and any other act or acts which may conflict with the provisions of this amendment are hereby repealed.

§ 6. The election of said Trustees shall be governed by the rules that govern the general elections of this Commonwealth.

§ 7. This act shall take effect from and after its passage.  
Approved February 15, 1858.

## CHAPTER 589.

AN ACT to increase the pay of the night Watchmen of the Jefferson county and Louisville Jail.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the night watchmen of the Jefferson county and Louisville City Jail be allowed one dollar and fifty cents per night for their services. This act to take effect from and after its passage.

Approved February 15, 1858.

## CHAPTER 590.

AN ACT for the benefit of John Rapp and Frank. Quast, of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of the State be and he is hereby directed to draw his warrant upon the Treasurer for the sum of ten dollars, each, in favor of John Rapp and Frank. Quast, of Louisville.

Approved February 15, 1858.

## CHAPTER 591.

AN ACT to change the boundary line of school district No. 15, in Crittenden county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the boundary line of common school district No. 15, in Crittenden county, be so changed as to include Samuel Marr, John Chadwich, William Chadwich, William Lewis, and J. W. Bettis in said district. This act to take effect from its passage.

Approved February 15, 1858.

## CHAPTER 592.

AN ACT refunding to R. E. Bush, former Sheriff of Clarke county, the amount of tax overpaid by him in 1856.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of Public Accounts is hereby directed to draw his warrant on the treasury in favor of R. E. Bush, former Sheriff of Clarke county, for the sum of five dollars and sixty-nine cents, the amount of tax overpaid by him in 1856. This act shall take effect from and after its passage.

Approved February 15, 1858.

## CHAPTER 594.

AN ACT to incorporate the Niagara Coal and Manufacturing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 2. That Alfred H. Pollock and Richard H. Collins, or the survivor of them, and their associates, successors, and assigns, are hereby incorporated and made a body politic, by the name and style of the "Niagara Coal and Manufacturing Company;" under which name they shall have power to contract and be contracted with, sue and be sued, defend and be defended, in all courts and places of competent jurisdiction; to use a common seal, and alter the same at pleasure; to hold their meetings within or without the State; to make such by-laws, rules, and regulations for the government of the corporation as they shall deem expedient, and which shall have the force and effect of a legal enactment, if they do not conflict with the laws of the land; and generally to do and execute, for the well-being of said corporation, whatever shall lawfully pertain to such body, and may be necessary and proper to carry on successfully its business as defined in this act.

Corporations.

Name and style.

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*May purchase  
and hold real  
estate, &c.*

§ 2. That said company shall have the right to hold, by purchase or lease, any and all such lands, tenements, coal rights, ore rights, mining rights, and appurtenances, rights of way, real, mixed, and personal property, in or out of this State, as they may deem for the well-being and advantage of said company; and the same or any part thereof to use, sell, lease, or otherwise dispose of, as the Directors or company may from time to time see proper. Said company is hereby authorized to mine, raise, manufacture, transport to market, and sell coal, iron and other minerals, stone, marble, salt, fire-clay, lumber, or any other product of their said lands, or to convert the same vend into any commodity or material for use or sale, and to the same by agents or otherwise, in or out of the State; also, to manufacture, purchase, hold, use and sell any article or articles necessary for the successful prosecution of the business aforesaid; and to erect, purchase, or lease, any houses, mills, factories, buildings, boats, wharves or depots adapted therefor.

*Directors, &c.*

§ 3. That the business of said company shall be conducted by not less than three nor more than seven Directors, to be composed for purposes of organization of the above corporators and such other persons as they shall choose to associate with them; who shall, at such time and place as they may agree upon, elect a President and such other officers of the company as they may deem necessary. Said Directors and officers shall serve until their successors are elected, the time and manner of which election shall be fixed by the by-laws. Proper books shall be kept in which shall be regularly entered all transactions and business of the company.

*Capital stock.*

§ 4. That the capital stock of said company shall be three hundred thousand dollars, with power to increase the same at any by a vote of the stockholders to not exceeding one million dollars, to be divided into shares of one hundred dollars each, and to be subscribed and paid for by individuals or corporations, in money, personal services, real estate, or other such manner, and at such times and places, as may be fixed by the by-laws. If any installments remain unpaid for thirty days after due, the Directors may declare the same forfeited, after giving thirty days notice of their intention to do so. The certificates to be issued for stock shall be regarded as personal estate; and the shares shall be transferable in person or by attorney on the stock-book of the company, which book shall contain the names of all the members of said company and the number of shares each may own, and be subject at all times to their inspection. Each stockholder shall share the profits and be liable for the losses of said company, to the extent of and in proportion to the amount of his capital stock. The company shall have

a lien on the stock of any and all stockholders for any debt he may owe, or any responsibility either in damages or upon any contract or bond which he may incur, to said corporation.

1858.

Officers may be appointed.

§ 5. That the Directors shall have power to appoint all necessary officers, agents or managers, to manage and control the business of the company; and may take from them bonds with sufficient surety, conditioned for the faithful performance of their duties as prescribed in the bond which may be taken or in the by-laws, upon which bonds recovery may be had by any person or corporation injured by a breach of the conditions thereof, in any court of competent jurisdiction.

§ 6. That said company may lay off one or more towns on any of their lands, lay off the same into streets and alleys, and sell and dispose of town lots, reserving the mining privileges in all cases; and any town when thus laid off shall be subject to the laws now in force in relation to towns.

May lay off towns.

§ 7. That no contract to be made by or for said company shall be binding upon it, for amounts or value exceeding one hundred dollars, unless the same shall be in writing; (nor for amounts or value exceeding three hundred dollars, unless the same shall be in writing,) and in reasonable time thereafter be signed by the President and attested by the seal of the company. All conveyances of land by the company shall be thus signed and attested, or may be made by a special agent or attorney whose power and appointment shall be thus signed and attested.

Contracts to be in writing.

§ 8. That it shall be lawful for the President and Directors of said company, from time to time and at all times, to borrow or obtain—upon promissory notes, bills of exchange, or bonds convertible or not convertible into stock, and with or without coupons, or by endorsements of any such paper—such sums of money, at such rate of interest or discount, and on such terms as they may deem expedient for the use of said company; and to pledge or mortgage all or any part of the estates, improvements, privileges, effects and assets whatsoever of said company, for the re-payment of said sums of money.

May borrow money, &amp;c.

§ 9. That said company shall have, possess, and enjoy all the powers, rights, privileges and immunities heretofore granted by the Commonwealth of Kentucky to any other company for similar purposes; but this section shall not be so construed as to infringe on the rights and privileges of any other such company.

General powers

§ 10. That this act shall take effect from and after its passage; and may be altered and amended by the Legislature, but not so as to interfere with vested rights, except upon the application or with the consent of the company.

Approved February 15, 1858.

1858.

## CHAPTER 596.

**AN ACT** authorizing the sale of parts of certain streets in the town of Eddyville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Trustees of the town of Eddyville, or their successors in office, be and they are hereby authorized and empowered to sell and convey so much of the street in said town as lies North of lots Nos. 101, 102, and 103, and West of lots Nos. 81 and 82; also, to sell and convey 36 feet in width of the street running South of lots Nos. 81, 82, and 83, in said town, and apply the proceeds thereof to the improvement of the remaining streets of said town in such manner as to them may seem most desirable. This act shall take effect from its passage.

Approved February 15, 1858.

## CHAPTER 597.

**AN ACT** for the benefit of Alfred Miller, late Sheriff of Muhlenburg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Alfred Miller, late Sheriff of Muhlenburg county, be and he is hereby allowed the further time of two years, from and after the 10th day of March, 1858, to settle up the unfinished business in his hands; and that he be allowed to collect all taxes, muster fines, and fee bills in his hands, or his own fee bills; that he may distrain for the same, or put them into the hands of any other officers for collection; but is to be responsible, as other Sheriffs, for any illegal acts.

§ 2. That this act shall take effect from its passage.

Approved February 15, 1858.

## CHAPTER 598.

**AN ACT** for the benefit of the Academical Department of the University of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the provisions of an act, entitled, an act allowing public arms to the Kentucky Military Institute and Western Military Institute, approved January 9th, 1852, be and the same are hereby extended to the Academical Department of the University of Louisville.

Approved February 15, 1858.

## CHAPTER 599.

**AN ACT** for the benefit of Allen Smith, late Sheriff of Clinton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Allen Smith, late Sheriff of Clinton county, have two years from and after the passage of this act, to collect and distrain for all arrearages of taxes and fees due him for the years 1853, 1854, 1855, and 1856: *Provided*, That he shall be liable to all the penalties now imposed by law for issuing and collecting illegal fee bills or taxes.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

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1858.

## CHAPTER 600.

**AN ACT** for the benefit of Thomas B. Keiton, of Morgan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of this Commonwealth is hereby authorized and directed to issue his warrant on the Treasurer, for the benefit of Thomas B. Keiton, for the sum of forty dollars, it appearing that said Keiton has been over charged said amount by the County Court of Morgan county for revenue purposes.

Approved February 15, 1858.

## CHAPTER 601.

**AN ACT** defining certain powers of the Trustees of the town of Winchester.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Trustees of the town of Winchester, or such of them as may be in office, shall have the power and authority to fill vacancies that may occur in their board from any cause, between the periods of their stated elections, by entering up the order of appointment made in their proceedings; and the person so appointed, upon due qualification, shall, to all intents and purposes, be a Trustee of said town; and all laws in conflict with this act are hereby repealed. This act to take effect from and after its passage.

Approved February 15, 1858.

1858.

## CHAPTER 602.

AN ACT to establish the office of Treasurer of Jessamine county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Jessamine County Court be and it is hereby authorized and required to appoint a Treasurer for said county, whose duty it shall be to take charge of all stock in turnpike roads, bonds, notes, and funds belonging to said county, and to collect all dividends accruing on turnpike stock, interest on bonds, &c., and dispose of the same as directed and required by the order of said court.

§ 2. That said Treasurer, appointed as provided for in the first section of this act, shall, before he proceeds to act, execute a covenant to the Commonwealth of Kentucky, with good and sufficient surety, (to be approved by the said court,) that he will faithfully discharge the duties of County Treasurer, and pay over any money or bonds, or stock belonging to said county in his hands, to such persons as the said court, by its order, may direct; and the said court shall administer an oath to said Treasurer faithfully to discharge the duties of his said office.

§ 3. That said County Court shall, by its order, make such compensation to said Treasurer for his services as may be deemed reasonable and just, out of the funds in his hands.

Approved February 15, 1858.

## CHAPTER 603.

AN ACT for the benefit of the Shelby Circuit Court Clerk.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That it may be lawful for the Clerk of the Shelby Circuit Court to alphabet all the suits and proceedings on file, or of record in the Shelby Circuit Court office, and so to arrange and re-label all the papers in said office, that they may be easily found by reference to the alphabet and cross-alphabet; and for his services, when it appears to the County Court, at their Court of Claims assembled, that he has complied with the terms of this law in a manner satisfactory to them, it may be lawful for said Court of Claims to allow him for his services a sum not exceeding the sum of five hundred dollars, to be paid out of the county levy. This act to take effect from its passage.

Approved February 15, 1858.

CHAPTER 604.

AN ACT to amend the charter of the Williamsburg, Cumberland River and Tennessee Railroad.

1858.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the further time of two years, from and after the passage of this act, be given to the Commissioners named as such by an act of the General Assembly, entitled, "an act to charter the Williamsburg, Cumberland River, and Tennessee Railroad," approved March 10th, 1856, to organize their company, and commence work according to the provisions of said act.

Approved February 15, 1858.

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CHAPTER 605.

AN ACT for the benefit of Isaac H. Underwood, Jailer of Washington county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be and he is hereby directed to issue his warrant on the treasury in favor of Isaac H. Underwood, Jailer of Washington county, for the sum of forty dollars, as compensation to him for carrying a lunatic from said county, by order of the Circuit Court thereof, to the Western Lunatic Asylum at Hopkinsville, to be paid out of any money in the treasury not otherwise appropriated.

§ 2. That this act shall take effect from its passage.

Approved February 15, 1858.

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CHAPTER 606.

AN ACT to repeal an act, entitled, an act to create an additional Civil District in Hickman county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled, an act to create an additional Civil District in Hickman county, approved March 7, 1856, be and the same is hereby repealed.

§ 2. That this act shall take effect on the first Monday in May, 1859.

Approved February 15, 1858.

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## CHAPTER 608.

AN ACT for the benefit of A. B. Patrick, Clerk of the Circuit Court of Breathitt county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the further time of two years be allowed A. B. Patrick, Circuit Court Clerk of Breathitt county, to collect all fee bills due him, and he shall have the same power to levy, list, and collect the same as is now provided by law, said Patrick being subject to all the penalties now prescribed by law for issuing any illegal fee bills. This act to take effect from its passage.

Approved February 15, 1858.

## CHAPTER 609.

AN ACT granting further powers to the Trustees of the town of Richmond.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Board of Trustees of the town of Richmond be and they are hereby authorized to levy and impose a tax not less than five dollars, nor more than fifty dollars, upon each and every tavern keeper and other venders of spirituous, malt, and vinous liquors, within the limits of said town, for each and every year a license is granted.

§ 2. That the Trustees of said town shall have power to grant or withhold license from all persons who may wish to sell spirituous, malt, or vinous liquors, within the limits of said town; and no person shall presume to sell such liquors, in any quantities in said town, without first obtaining a license from said board.

§ 3. The Trustees of said town shall have power to appoint, from time to time, a Town Marshal and Patrol of said town, under the same rules and regulations as now authorized by law; and have power to remove said Marshal at any time for neglect of duty, and appoint another in his place. And said Marshal shall be allowed the same fees, and have the same powers and jurisdiction, of Constables in penal cases; and the Police Judge shall be entitled to the same fees as Justices of the Peace, for similar services.

§ 4. That any person violating this act shall be fined in any sum not less than twenty, nor more than one hundred dollars, to be recovered by warrant before the Police Judge of said town, or before any Justice of the Peace of the county, which warrant shall be executed by said Marshal, or any Constable of the county; and it shall be the duty of said Trustees, Police Judge, and Marshal, to see that this law is not violated, and to bring the offenders to trial.

§ 5. That the taxes and fines imposed by this act, shall be paid over to the Treasurer of said town, and be applied to the improvement of the streets and alleys of said town, and for other purposes, and in the same manner as the ordinary taxes of said town are applied. The licenses authorized by this act are to be issued and signed by the Clerk of the board, under the direction of the board. And nothing herein contained shall be construed to deprive the State Treasury of any tax now imposed by law.

§ 6. That before this act shall take effect, the Trustees of said town of Richmond shall hold an election, at which the qualified voters of said town shall be permitted to vote for or against this act; said vote shall be taken in the same manner that election for Trustees of said town are required by law to be conducted, and at such time and place as said Trustees may direct. And if a majority of all the votes cast be in favor of this act, it shall go into operation and be of force. Said Trustees shall publish this act, and notice of the time and place of holding said election, in both of the newspapers published in said town of Richmond. If a majority of all the votes cast at said election shall be against this act, the same shall be null and void. The Trustees shall enter the vote taken at said election on the records of their board.

§ 3. This act shall take effect from its passage.

Approved February 15, 1858.

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#### CHAPTER 610.

AN ACT for the benefit of the Independent Washington Hose Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That James A. T. McGrath, E. G. Deer, T. M. Deer, H. A. Polley, Ben. G. Rodgers, R. P. Redding, Richard O'Brien, R. Swearenger, and J. H. Waller, and their associates, are hereby created a body politic and corporate, by the name and style of the "Independent Washington Hose Company of the town of Shelbyville," and as such shall have perpetual succession, and be capable, in law, of contracting and being contracted with, suing and being sued, in any action or suit in any court whatever.

§ 2. They shall have the right to purchase, take, and hold, hose and a hose carriage, and the necessary apparatus and tools for the use and the repair of the same, and when convenient the same to sell and convey, and purchase other hose and hose carriage, &c., and they may purchase and hold in the town of Shelbyville, as much ground as will be required for a house for said hose carriage, and for the purpose of transacting the business of said company, not exceeding in value ten thousand dol-

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lars; and it shall be their duty to organize themselves as a hose company, and keep a hose carriage with a sufficient amount of hose, and at an alarm of fire to repair to the same with their apparatus, &c., and to use all diligence and power they can employ to the extinguishment of the same; and they shall do and transact no other business than what belongs to a hose company.

§ 3. That it shall be lawful for said company to make all needful rules and by-laws, with adequate penalties, for the government of the company, not contrary to the laws of this State or the United States.

§ 4. The officers of said company shall consist of a President and Vice President, Director and Assistant Director, Secretary, and Treasurer. It shall be the duty of the Secretary to list all fines against the members of the company with the Marshal of the town of Shelbyville, whose duty it shall be to collect and account for the same, said fines to be expended in repairs and other purposes, as may seem most expedient to said company. It shall be the duty of the President at the regular meeting in January and July of each year, to appoint a committee of three, whose duty it shall be to levy fines upon the members of said company for any infringement of the laws of said company by them, and it shall also be the duty of said committee to release all members from fines imposed under the power aforesaid, who have a sufficient excuse.

§ 5. The members of this company, not exceeding twenty, may be exempt from military duty, except in time of war; and it may be lawful for the Trustees of the town of Shelbyville to exempt the members of said company from the poll tax of the town.

Approved February 15, 1858.

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#### CHAPTER 611.

AN ACT allowing James N. Brashears, of Perry county, to erect a mill and dam in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That James N. Brashears, of Perry county, be and he is hereby authorized to erect a mill on the bank of the North Fork of the Kentucky river, and erect a dam across said river, the said mill and dam to be erected and built on the lands of said Brashears: *Provided however,* That said dam shall not be so built to obstruct the downward navigation on said river, nor shall said dam, in any event, exceed four feet in height.

§ 2. The Legislature reserves the right to amend or repeal this act.

Approved February 15, 1858.

## CHAPTER 612.

AN ACT for the benefit of the town of Owensboro.

1858.*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Board of Trustees of the town of Owensboro shall have power to establish, open, close, and discontinue street and alleys within the limits of said town, as now established by law, or as they may hereafter be established and enlarged by law, in the same manner, by the same proceedings, and upon the same principles, as County Courts are now empowered by law to establish, open, close, and discontinue roads in their respective counties, except that the notices for this purpose may be posted on the Post Office door, and in two public places in the vicinity of the street or alley proposed to be established, opened, closed, or discontinued, and the motions may be made before the said Board of Trustees, viewers appointed, and all other necessary and legal orders made by them, and a record of the same kept in the records of their proceedings; and all process and writs necessary in said proceedings may be issued by the Chairman of said Board of Trustees, and executed, served, and returned by the Marshal of said town or his deputy, and jurors, when needed, may be summoned from Daviess county, either within or without the town limits; and all streets and alleys, thus established and opened, shall be and remain under the jurisdiction and control of the Board of Trustees of said town, as now provided and established by law.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

## CHAPTER 613.

AN ACT to amend the charter of the Carrollton and Eagle creek Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the charter of the Carrollton and Eagle creek Turnpike Road Company be and the same is so hereby amended, as to vest the right in the President and Directors of said company to charge and receive, per mile, the same rates of toll, for the use of said road, which may hereafter be completed and received as required by said charter, which they are now authorized to charge and collect for that portion of said road which is already completed and received, without being compelled to erect another gate until they shall have completed and caused to be received eight miles of said road.

Approved February 15, 1858.

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## CHAPTER 614.

AN ACT to amend the act incorporating the Louisville and Newport Branch Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the sixth and seventh sections of the act incorporating the Louisville and Newport Branch Railroad Company, approved March 1st, 1854, be so amended as to authorize the meeting of the stockholders in said road, either annual or special, for the election of officers or for other purposes, to be holden at any point they may designate, on or near the line of the road, as well as at Louisville and Newport. That the 25th section of said act be so amended as to allow five years longer, in addition to the time allowed by said section, for the commencement of said road, before said act shall become null and void, and five years more are allowed for its completion than is specified in said section.

Approved February 14, 1858.

## CHAPTER 615.

AN ACT to incorporate the Newstead Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:***Name and style.**

§ 1. That a company shall be and the same is hereby created and established, under the name and style of the Newstead Turnpike Road Company, for the purpose of making a road from Newstead, by way of Longview, in the county of Christian, to the line of the State of Tennessee, in the direction of Clarksville, Tennessee.

**Capital stock.**

§ 2. That the capital stock of said company shall be ten thousand dollars, to be increased as the Board of Directors may deem necessary for the completion of said road; said stock shall be divided into shares of fifty dollars each.

**Commissioners.**

§ 3. Books for the subscription of stock in said company shall be opened at any time after the passage of this act, at such time and places most convenient, under the direction of the following Commissioners, to-wit: Thomas Torian, Robert McGaughey, Wm. R. Henry, James Brewster, and W. B. Mason, or any three of whom may act; and they shall open a book for the subscription of stock, as above named, and the subscribers to the stock of said company shall enter into the following obligation in said book, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company of the Newstead Turnpike Road Company, fifty dollars for each share of stock in said company which we have set opposite to our names, in such manner and proportions, and at such times, as shall be required by the President and

Directors of said company. Witness our hands this — day of — 185—." Which amount shall be collected in the proper courts.

§ 4. When the amount of two thousand dollars shall have been subscribed, the Commissioners, or a majority of them, may, if deemed expedient, proceed to finish the organization of said company, by giving two weeks notice of the time and place when an election shall be held for a President and Directors of said road, which election shall be held, and the voting be regulated by the rules allowing and regulating elections of President and Directors held in the Lexington, Versailles, and Frankfort Turnpike Road Company; and when the election is held, the President and Directors thus elected—who shall be five in number—shall thereafter manage and conduct the affairs of the said company, under the name and style of the "Newstead Turnpike Road Company," by which name they shall be a body politic and corporate, in fact and in law; and by that name shall have perpetual succession, and shall have all the privileges and franchises incident to the Lexington, Versailles and Frankfort Turnpike Road Company; and they may keep open the books of subscription, and receive further subscriptions until all their stock necessary to the completion of the road be taken.

5. Said President and Directors shall fix and regulate the elevation and grade of said road, not less than four degrees; the width of the part thereof to be covered with stone not less than fifteen feet; shall designate the places for the erection of gates; shall have the power of erecting a toll-gate, and to charge half toll, when two and a half continuous miles of said road shall have been completed: *Provided*, That only half toll be exacted, and for every additional mile completed, proportionable toll may be taken.

§ 6. That so soon as the company is organized, the President and Directors shall possess all the powers, authority, rights, and privileges, and shall and may do all acts and things necessary for carrying on and completing said turnpike road, as well as laying out and locating the same; shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, if any; and be entitled to take tolls and profits as are given and granted to the Lexington, Versailles, and Frankfort Turnpike Road Company by amended act, approved February 14, 1835, and all the provisions of said act are hereby revised and made part hereof, except so far as they are local in their application: *Provided also*, That the Treasurer of this company shall only be required to execute bond in such surety and penalty as the President and Directors may prescribe, and that the work on said road shall com-

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Meeting to be called.

Width of road, grade, &c.

General powers and privileges.

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mence, in good faith, on or before the first day of January, 1860.

§ 7. This act shall take effect from its passage.

Approved February 15, 1858.

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#### CHAPTER 616.

AN ACT to amend the charter of the North Kentucky Agricultural Society, of Boone county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That hereafter the elections of officers for the North Kentucky Agricultural Society, of Boone county, shall be held on the first Wednesday in January of each year, in Florence; and that so much of the original act incorporating said society, as prescribes the time and place of the election of officers, be and the same is hereby repealed.

Approved February 15, 1858.

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#### CHAPTER 617.

AN ACT for the benefit of Geo. M. Hampton, of Morgan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of this Commonwealth be authorized and directed to draw his warrant on the Treasurer, for the benefit of George M. Hampton, for the sum of ten dollars, which it appears said Hampton has been overcharged by the Judge of the County Court for revenue purposes.

Approved February 15, 1858.

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#### CHAPTER 618.

AN ACT for the benefit of John Daily, of Breckinridge county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That John Daily, a Justice of the Peace in Breckinridge county, be and he is hereby allowed the further time of one year to collect his uncollected fee bills for the years 1852, 1853, 1854, and 1855, in the same manner and under the same penalties now prescribed by law. This act shall take effect from and after its passage.

Approved February 15, 1858.

## CHAPTER 619.

AN ACT to sell Green's Chapel, in Nelson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Trustees and Pastor in charge of the church known as Green's Chapel, in Nelson county, be and they are hereby authorized and empowered to sell said church and the grounds adjacent, in such manner and at such time, place, and upon such terms, as they may see proper, and to reinvest the proceeds thereof as they may, in their discretion, see proper.

Approved February 15, 1858.

## CHAPTER 620.

AN ACT to incorporate Allensville Lodge, No. 182, Free and Accepted Masons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members, and those who may hereafter become members, of Allensville Lodge, No. 182, of Free and Accepted Masons, in Allensville, Todd county, Kentucky, be and they are hereby created a body politic and corporate, by the name and style of "Allensville Lodge, No. 182, of Free and Accepted Masons;" and by that name and style shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of purchasing and holding such real and personal estate as may be required for the use of said Lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real or personal estate as they may now have or may hereafter acquire: *Provided*, That the amount invested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the Master, Senior and Junior Wardens, and their successors in office as Trustees thereof, who, or a majority of whom shall have power to make all contracts pertaining to the real or personal estate of said Lodge.

§ 3. That the said Trustees shall have power to pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of the United States or this State, as may be necessary for the safe keeping of the property and other interests of the Lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate the whole Board of Trustees shall join in such conveyance.

1858.

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§ 4. The General Assembly hereby reserves the right to amend, alter, or repeal this act at pleasure.

Approved February 16, 1858.

CHAPTER 621.

AN ACT to incorporate the Bunker Hill, Big Sandy Coal Mining and Lumber Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Corporators.** § 1. That G. M. Wittin, James G. Hutton, G. M. Vincent, M. Freese, John B. Harris, James H. Godsey, James M. Smith, and such others as may take stock, their associates and successors, who, or a majority of whom, be and they are hereby created a body politic and corporate, by the name and style of the "Bunker Hill, Big Sandy Coal Mining and Lumber Company," and by that name shall have perpetual succession; may contract and be contracted with, plead and be impleaded, sue and be sued, in all the courts, both of common law or in equity, in this State; and have a common seal, and use or alter the same at pleasure; and also to ordain, establish, and put into execution any by-laws, rules, and regulations which they may deem proper, from time to time, for the management and government of the concerns of said company, not inconsistent with the constitution and laws of this State or of the United States.

**May appoint agents, &c.** § 2. That said company shall have power to appoint all necessary agents or managers, whether members of said company or not, to manage and control the business of said company, according to the by-laws, rules, and regulations fixed by the company, which rules, by-laws, and regulations must be fixed by a majority of the stock-holders of said company.

**Business of company.** § 3. That the business of said company shall be the mining, transporting, and selling of stone coal and other minerals, logs, lumber, &c., and the buying, transporting, and selling all kinds of lumber, either saw-logs, plank, boards, hoop-poles, staves, bark, or shingles; and for that purpose, they may purchase, hold, lease, or rent any lands, tenements, or hereditaments, mines, minerals, mining privileges, rights of way, and sell or convey the same; and to do or perform any other act or acts that may be necessary to effectuate the objects of this charter.

**Capital stock.** § 4. That the capital stock of said company shall be fifty thousand dollars, and to be increased by them not to exceed one hundred thousand dollars.

**How stock may be subscribed.** § 5. That the capital stock of said company shall be subscribed in shares of fifty dollars each, and may be paid in cash, coal lands, or other real property or personal es-

tate necessary for the use of said company, and at such place as the agents, officers, and managers of said company, and owners of stock thereiu may agree or direct; certificates of which stock shall be issued to each stockholder, stating the number of shares each member thereof may hold; and the said stock shall be regarded as personal property, and may be transferred on the books of said company, in person, or by attorney; but the company shall have a lien on said stock for any debt such stockholder may owe the company respectively.

§ 6. Said company shall open their books for the purpose of receiving stock at such time and at such places as they may deem proper and expedient, and whenever twenty thousand dollars is subscribed, shall or may proceed to business under the grants contained in this charter. They shall also keep a book, in which they shall enter the name of each stockholder, the number of shares each one owns, and such other matters as may be necessary to show the condition of the company, which book shall at all times be open to the inspection of any member or stockholder of said company. Each member shall share the profits and bear the losses, or be liable to the amount of the stock or shares of stock owned by him, according to its value.

Books to be opened.

§ 7. The Legislature reserves the right to alter, repeal, or amend, this charter for a violation of its provisions.

§ 8. This act shall take effect from its passage.

Approved February 15, 1858.

#### CHAPTER 622.

AN ACT for the benefit of Alney McLean's heirs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Register of the Land Office be and he is hereby authorized to receive and register the survey made for Joseph Arnold, Jr., by virtue of head right certificate No. 442, granted to said Arnold, in 1803, by the Muhlenburg County Court, for four hundred acres of land, on the waters of Cypress, formerly in Muhlenburg, now in McLean county, and issue a patent for all of said survey except one hundred and forty acres off the west end, to the heirs of Alney McLean, deceased, assignee of Charles F. Wing, the said Wing and McLean assignees of said Joseph Arnold, Jr.

§ 2. This act to take effect from its passage.

Approved February 15, 1858.

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## CHAPTER 623.

AN ACT for the benefit of H. Helm, late Sheriff of Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Harvey Helm, late Sheriff of the county of Lincoln, shall have the further time of two years from the passage of this act, to collect all taxes and fees to him delivered or due before the expiration of his office, subject to the same liabilities, restrictions, and responsibilities as are now imposed by law in such cases, and as though they were delivered or collected before the expiration of his office.

Approved February 15, 1858.

## CHAPTER 624.

AN ACT for the benefit of the Public Schools in Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the General Council of the city of Louisville shall have power to pass an ordinance to levy and collect an additional *ad valorem* tax of not more than five cents on each one hundred dollars worth of property, to be assessed and collected as is in its charter mentioned, for the support of the Public Schools, and High School for females of said city, and the University of Louisville.

§ 2. That the power granted in section first shall not be exercised by said General Council unless a majority of the voters, at a charter election, shall be in favor thereof.

§ 3. This act shall take effect from and after its passage.

Approved February 15, 1858.

## CHAPTER 625.

AN ACT to authorize the Garrard County Court to sell poor house lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Court of Garrard is hereby authorized and empowered to appoint Commissioners to sell and convey the poor house lands belonging to said county, and reinvest the proceeds of said sale in other lands in said county, for the poor house purposes, and receive a title therefor, in such manner and upon such terms as said court may order and direct, a majority of all the Justices of said court concurring therein.

§ 2. That this act shall be in force from and after its passage.

Approved February 15, 1858.

## CHAPTER 626.

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AN ACT to incorporate the Hardins Creek Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby formed under the name and style of the "Hardins Creek Turnpike Road Company," for the purpose of constructing an artificial road from Frederickstown, in Washington county, or some point on the Bardstown and Springfield Turnpike in said county, that may appear to the Commissioners herein named as the best and most practicable point, by the way of Manton or other most practicable route that may be determined on in like manner, to Chicago, in Marion county.

§ 2. That the capital stock of said company shall be thirty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act then the President and Directors for the company may increase it to such an amount as they may deem necessary, and open subscription therefor in such manner as they may deem best.

§ 3. Books for the subscription of stock in said company shall be opened on the —— day of February, 1858, or as soon thereafter as may be convenient, at Frederickstown, Manton, and Chicago, and at such other points as deemed necessary, under the direction of George Clements, Alexander Hamilton, George Conner, H. P. Batsel, Wilford Fields, E. Green, Dr. Hallery, Geo. W. Goodrum, Loy Ballard, John Blandford, Sidney Hagan, Robert Obrion, or some two or more of them at each place, who are appointed Commissioners. The said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into an obligation in said book or books to pay to the President, Directors, and Company of the said road the sum of fifty dollars for each and every share of stock set opposite their several names, at such times, and in such amounts, as may be thought necessary by the President and Directors of said company; and in case any person or persons wish to pay their stock in work on said road they shall append to their names, "to be paid in work on said road, at such time, and in such manner, as may be prescribed by the President and Directors of the company, and at such valuation as estimated by the Superintendent or Engineer for the company."

§ 4. That the width of said road shall not be less than thirty nor more than forty feet wide, and the artificial part more than thirty nor less than twenty feet wide, where the locality will admit of it, and the metaled part not less than fifteen feet wide; and whenever two and a half consecutive miles or more shall have been finished the company may erect a gate and receive toll in proportion to

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the distance finished as though five continuous miles had been completed.

§ 5. That all the sections of an act, entitled, an act to incorporate the Lebanon and Maxville Turnpike Road Company, approved March 10th, 1856, beginning at the forth section to the eleventh section inclusive, are hereby incorporated and made part of this charter, with all the privileges, powers, rights, and immunities therein contained, so far as applicable, except as may be changed or altered by this charter, as fully as if each section had been written out and adopted section by section as part of this act.

Approved February 15, 1858.

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#### CHAPTER 628.

AN ACT to regulate the tenure of Common School property in the city of Covington.

Whereas, It has been represented to the General Assembly that certain lots of ground and other property situated in the city of Covington, Kentucky, have been purchased out of moneys belonging to the Common School Fund of said city, but title thereto has been taken to said city without any limitation of the same that said property shall be held for the use and benefit of the Common Schools; and the moneys with which said property was purchased having been inviolably dedicated to the use and benefit of the Common Schools of Covington. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the city of Covington, through its proper authorities, is required, within ninety days after the passage of this act, to convey to the Trustees of the Common Schools of said city, all property, as well as any interest therein, which has been purchased out of moneys belonging to the Common School Fund of said city; and said Trustees are required, so soon as such conveyance has been made, to re-convey the property mentioned in this act to the city of Covington, to be held for the use and benefit of the Common Schools of said city, and for no other purpose.

§ 2. This act shall take effect from and after its passage.

Approved February 15, 1858.

## CHAPTER 630.

1858.

**AN ACT to amend the charter of the town of Shelbyville.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the town of Shelbyville be so amended that it shall be hereafter the duty of the Assessor of said town, appointed by the Trustees thereof, to require each person listing his property for taxation to fix, upon oath, a sum which will cover the amount he was worth on the 10th day of January from all other sources, exclusive of his estate listed for taxation, upon which sum the Trustees of said town may levy and collect a tax as upon other property now taxable by the charter of said town, save bank stock, which shall not be taxed, &c.

§ 2. That after the expiration of the term of the present Marshal of said town, that the said office shall be filled by appointment of the Trustees of said town, who shall appoint said officer for the term one of year; and the Marshal shall be subject to removal by said board at any time for misconduct or breach of official duty in said office.

Approved February 15, 1858.

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CHAPTER 632.

**AN ACT for the benefit of D. A. Weaver's sureties, late Sheriff of Bracken county.**

Whereas, a judgment was rendered in the Franklin County Circuit Court at its January term, 1857, against David A. Weaver, Sheriff of Bracken county, and John T. Weaver, Fielding Powell, B. G. Willis, Joseph Taylor, George Adamson, Dora Mitchell, and C. H. Lee, as his security, for the sum of three thousand one hundred and seventeen dollars and ninety-eight cents, upon which amount the court assessed twenty per cent. damage, amounting to the sum of six hundred and twenty-three dollars and fifty-eight cents, and the principal having been paid off. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the said six hundred and twenty-three dollars, and fifty-eight cents, as damages, is hereby remitted, and that the said Weaver and others be exempt from the payment of the same.

Approved February 15, 1858.

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## CHAPTER 633.

AN ACT for the benefit of Mrs. E. J. Elliott, of Rockcastle.

Whereas, it is represented to the present General Assembly that provision was made by the County Court of Rockcastle county for the support and maintenance of Stephen M. Elliott, of said county, to be kept at the poor house for the year 1857, and that the character of his disease prevented his being taken to said poor house, and that his wife, who is old, feeble and poor, by extreme exertions supported him for said year. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the County Court of Rockcastle county is hereby directed to pay to Mrs. E. J. Elliott, wife of Stephen M. Elliott, the amount that was allowed for his support at the poor house, which shall be paid out of any residuum in the hands of the Sheriff; and if there is no such residuum in the hands of the Sheriff, then the County Court of said county shall, at the next Court of Claims, levy for the same.

Approved February 15, 1858.

## CHAPTER 634.

AN ACT to incorporate Attalia Lodge, No. 94, of I. O. O. F.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Geo. R. Rutherford, B. G. Haster, C. W. Bailey, Thomas D. Waller, and H. H. Lauderman, and their associates and successors, be and they are hereby created a body corporate, by the name and style of "Attalia Lodge, No. 94, of Independent Order of Odd Fellows;" and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable, in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said Lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding ten thousand dol-

lars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend or repeal this act is hereby reserved to the General Assembly.

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§ 2. This act to take effect from its passage.

Approved February 15, 1858.

### CHAPTER 635.

AN ACT to incorporate the Poplar Mountain Coal and Mining Company, and Manufacturing Coke Company, in Clinton county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John Wade, W. T. Long, R. H. Ryan, George Gwinn, Wakefield Beard, and John Daviss, of Clinton county; Jno. A. Leveridge, W Jones, Wm. P. Payer, of Russell county; Jno. H. Phillips, and M. P. Buster, of Wayne county; James Haggard and Joseph S. Bledsoe, of Cumberland county, are hereby appointed Commissioners to open books for the subscription of stock to a company known and designed as the "Poplar Mountain Coal and Mining Company, and Manufacturing Coke Company, of Clinton county, Kentucky," the object of which is to mine coal, manufacture coke, and transport the same and other products on the Cumberland river, to Nashville, and other points. The said company is hereby declared a body politic and corporate; and they may have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with; may have and use a common seal; may purchase, hold, and convey any real or personal estate necessary for the purpose of carrying on the coaling and manufacturing coke business—such as horses, wagons and equipages, lots, wharves, and parcels of land; and may make such rules and regulations for the government of their own affairs as they may think proper, not inconsistent with the laws of this State, or the laws of the United States.

Corporation.

§ 2. The capital stock of said company shall consist of one thousand shares of one hundred dollars each, which may be increased or raised to five thousand shares by the company: *It is further provided*, That the company may receive lands and coal mines, to constitute a part of the capital of said company, upon such terms as may be agreed upon by the owners of such coal land and the company; the shares of the same shall be deemed personal property, and may be transferred upon the books of the company.

Capital stock.

§ 3. In addition to the subscriptions of stock hereby authorized to be taken, the County Courts of the counties of

County Courts  
may take stock.

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Clinton, Russell, and Cumberland, may subscribe one hundred shares each, to be held on the same terms, and liable to the same rules and regulations, as other stock subscribed by individuals.

*Business of company.*

§ 4. The business of the company, in addition to that of mining and transporting coal and other products, shall be the manufacture of lumber, flour and meal, and transporting the same to market, and for that purpose they shall have power to erect saw mills, grist mills, houses, shops, and factories; the building of boats and water crafts of every description, the construction of wharves, landings, and depots, turnpikes and railroads, to and about the mines, and for the purpose of connecting these mines with the river: *Provided*, That the right of way shall have been first obtained of the owners of the land whereon such roads may be constructed.

*When company to be organized.*

§ 5. So soon as the number of one thousand shares aforesaid shall be subscribed, the stockholders, or their authorized representatives, may hold a meeting at such time and place as may be designated, when they shall proceed to elect a President, Secretary, and five Directors, and a Treasurer, whose business it shall be to conduct the business of the company. The stockholders shall elect their officers annually; and the Board of Directors so elected, shall have power to appoint such other subordinate officers and employees as they may deem necessary and proper. Each shareholder shall be entitled to one vote as he owns shares. Dividends shall be declared annually upon the Secretary's books, which shall be open to the inspection of stockholders. The Directors shall have power to declare stocks forfeited, and may sue for and recover calls due upon stocks, as any other debts, before the tribunals having jurisdiction in similar cases.

§ 4. The Legislature reserves the right to alter, amend, or repeal this act.

Approved February 15, 1858.

#### CHAPTER 638.

##### AN ACT to incorporate the Kentucky Wood Works.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

*Name and style.*

§ 1. That a corporation is hereby created, by the name and style of the "Kentucky Wood Works;" said corporation shall have all the rights, immunities, and powers that may be necessary or fit for the conducting of its business, which shall be the manufacture of wood in all its branches, in the city of Louisville. The corporation may purchase and hold real estate, but not more than may be necessary for the conduct of its business.

§ 2. The capital stock of the company shall not exceed one hundred thousand dollars, in shares of one hundred dollars each. Subscriptions for stock shall be made by persons signing their names to a covenant to take the number of shares placed opposite to their names, and to pay to the Kentucky Wood Works the amount thereof. W. Allen Richardson, Jos. B. Kinkead, and Robert B. Millar may open a book, with such a covenant for subscriptions; and when the sum of five thousand dollars is subscribed they may call the subscribers together, who may organize the corporation by the election of a President and two Managers.

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Capital stock.

§ 3. The President and Managers shall hold their offices for such time as may be prescribed by the stockholders, and conduct and manage the affairs of the corporation in such manner as the stockholders shall, by their by-laws, direct: *Provided*, Such by-laws be not inconsistent with the laws of this State or of the United States.

Officers—term  
of office.

§ 4. There shall be annual meetings of the stockholders, and oftener if called by the President and Managers, or a majority of the stockholders; and at every such meeting the officers of the corporation shall, if required, submit a full statement of the affairs, business, and accounts of the company. A majority of the stockholders may, from time to time, permit additional stock to be subscribed for, until the whole amount authorized by this act shall be taken. A stockholder may be represented by his proxy, authorized in writing. The stockholders may from time to time make such calls on the shareholders as they see fit, and if any stockholder shall fail to pay any call, his stock, or as much as may be necessary, may be sold, after thirty days notice in some one of the newspapers in Louisville, at public auction, to the highest bidder; and if, at such sale, the stock does not bring enough to pay the deficit, then the defaulting stockholder shall be bound to make it good; but if the stock shall sell for a sum more than sufficient to pay to the company the whole amount of the defaulters stock, with interest and costs, then such excess shall be paid to the stockholder.

Annual meet-  
ing.

§ 5. Each shareholder shall have as many votes as he has shares. Certificates of stock shall be issued, as the by-laws may direct. The stock shall be personal estate, and transferred on the books of the company, in person or by attorney. The corporation shall have a lien on the stock of any stockholder for any debt he may owe to the company.

Stock, how  
voted.

§ 6. Dividends of profits may be declared yearly or half yearly, but no dividends shall ever diminish the capital stock subscribed.

Dividends.

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Agents.

Notice of organization.

§ 7. The President and Managers shall have the power to employ all such agents as may be necessary for the management of the business, and the same to dismiss at pleasure.

§ 8. The corporation shall give notice, in one of the newspapers in Louisville, of the organization of the company under this act.

§ 9. The corporation shall continue twenty years, subject to the right in the Legislative to change or repeal this charter.

Approved February 16, 1858.

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#### CHAPTER 642.

AN ACT to authorize the County Court of Madison to levy a tax for the improvement of their poor house property.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the County Court of Madison county be and the same is hereby authorized, (a majority of the Justices of the Peace for said county concurring therein,) to levy an *ad valorem* tax upon the taxable property of said county, sufficient to make improvements on the poor house grounds as may be necessary for the accommodation of the paupers of said county, said levy not to exceed two thousand dollars, and to be collected in the same manner, and under the same conditions, that the county levy was raised for building the last court house for said county.

Approved February 16, 1858.

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#### CHAPTER 643.

AN ACT to incorporate Franklin Lodge, Independent Order of Odd Fellows, of Garrard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Oliver P. Hill, William B. Mason, James H. Yantis, Nicholas Sandifer, S. L. Burdett, and Wm. H. Smith, and their associates, be and they are hereby created a body corporate, by the name and style of "Franklin Lodge, No. 7, of the Independent Order of Odd Fellows, at Lancaster, Kentucky;" and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter or amend at pleasure; to

make and ordain by-laws and regulations for their government, and those now in force in said Lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the constitution and laws of the United States, or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

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Approved February 16, 1858.

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#### CHAPTER 646.

##### AN ACT concerning the Louisville and Covington Railroad Company.

Whereas, It is represented that the Louisville and Covington Railroad Company is indebted to various persons; and whereas, it has been ascertained by judgment and executions that said company has no property subject to execution; and whereas, a cross-petition has been filed in the Louisville Chancery Court by said company against the stockholders therein, to ascertain the debts owing by said company, and to recover the amount owing by them on their stock subscriptions, or an amount sufficient to pay said debts; and whereas, doubts are entertained respecting the jurisdiction of said court to grant any of the relief demanded by said cross-petition; and whereas, in said cross-petition and otherwise the company have offered to release the stockholders from their subscription after they shall pay the debts of the company. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the proceedings of said cross-petition be and the same are hereby legalized, so far as to authorize a recovery from the stockholders of said corporation, on their legal representatives, of an amount sufficient to pay its debts; that other persons who are subscribers to the capital stock of said corporation may be made parties to said cross-petition and such proceedings had thereon, by reference to the Commissioner of the court, or otherwise, as to ascertain the amount owing by said corporation, and the *pro rata* sum required to be paid by each of its solvent stockholders, who has property in this State sufficient, in the aggregate, to satisfy said debts and the cost of suit.

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§ 2. Upon a reference of the cause to the Commissioner, the court shall make an order for all the creditors of the company, whether having judgment or not, to appear before him and prove their claim by a certain day named in the order, notice of which shall be given by an advertisement in a newspaper.

§ 3. A creditor appearing before the Commissioner, and presenting his claim, shall be considered a party to the action, and shall be concluded by the final judgement of the court allowing or rejecting his claim, from which judgement, however, an appeal may be prosecuted as in other cases; and any creditor who shall fail to present his claim within the time required by the 2d section shall be forever barred.

§ 4. In ascertaining the *pro rata* amount owing by said stockholders, payment made by each to or on account of said corporation shall be credited to him, so as to make each stockholder bear his just burthen of the liabilities of said company.

§ 5. Judgment may be rendered in favor of all the creditors jointly against each stockholder for the aggregate amount ascertained to be required of him for the purpose set forth in section 1st, which judgment may be enforced by execution, or by decree for the sale of any property held by or mortgaged to the company as security for the same owing by him.

§ 6. The death of any stockholder shall be no obstacle to a judgment against the others, nor the death of a creditor objection to including the amount due to him in such judgment as may be rendered, nor shall it be any objection to a judgment that all proper parties are not made to the action or summon: *Provided*, No more is adjudged against a stockholder than his proper *pro rata*, and in rendering judgment, the court shall reserve power over the case, to make such other order, and render such judgment as may be proper to secure the full satisfaction of all the debts, should any of the parties against whom judgment was rendered, in the first instance, prove insolvent or be held on appeal, to be not liable.

§ 7. Should any one alleged to be a subscriber to the capital stock of said corporation, controvert the fact so alleged, the court may dispose of the issue so presented at any time during the progress of the action so as to expedite the final disposition of the cause.

§ 8. When the debts of the corporation are paid the court, at the instance of any stockholder who has paid up his *pro rata*, shall enter up a judgment releasing him from the remaining sum owing by him on account of his subscription to the capital stock in said company, and the court shall appoint a Commissioner or Commissioners to release the mortgage of stockholders who have so paid

up, on the margin of the record book, at the expense of the mortgagor.

§ 9. That the resolution of the Board of Directors of said company, releasing or authorizing the release of all such subscribers to the capital stock of said company as shall have paid up thirty-one (31) per cent. upon their subscription, by certain days fixed in said resolution, be and the same are hereby legalized and made as effectual and binding as if said resolution had been specially authorized by the original charter of the company.

§ 10. That such stockholders as are found to be insolvent, shall not thereby be released, but shall continue thereafter to be bound for their proportion of their subscription, the payment of which, should they become solvent, may be enforced at any time, and the proceeds therefrom divided ratably among those who may theretofore have paid up.

§ 11. This act shall take effect from its passage.

Approved February 16, 1858.

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#### CHAPTER 647.

AN ACT changing the name of the town of Graeffenburg, in Shelby county, to that of Hardinsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That so much of an act, entitled, an act changing the name of the town of Hardinsville, in Shelby county, to that of Graeffenburg, approved March 10th, 1856, as relates to the changing of the name of said town, be and the same is hereby repealed, and the original name of Hardinsville shall be restored to said town.

Approved February 16, 1858.

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#### CHAPTER 649.

AN ACT to amend an act chartering the Richmond and Boonsborough Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That upon the completion of four miles and a half of the Richmond and Boonsborough Turnpike Road, agreeably to the charter of said company, the President and Directors are hereby authorized to erect a toll-gate upon said road, and collect the same rates of toll as are now allowed by law to be collected upon the Richmond and Lexington Turnpike Road.

§ 2. Nothing in this act shall be so construed as authorizing the President, Managers and Company of said road

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to delay or defer the completion of the said road according to the provisions of the original charter.

Approved February 16, 1858.

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#### CHAPTER 652.

AN ACT to amend an act, entitled, an act for the benefit of Mechanics of the towns of Hickman and Frankfort.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the provisions of an act, entitled, an act for the benefit of mechanics and others performing labor, or furnishing materials for the construction or repairing of buildings in the towns of Hickman and Frankfort, be and the same is hereby applied to the county of Fulton.

Approved February 16, 1858.

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#### CHAPTER 653.

AN ACT to increase the county levy of Lewis.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the County Court of Lewis county is authorized to, and may levy a tax of two dollars on each titheable in said county, and the County Court of said county may, from time to time, levy and have collected, said tax for the purpose of defraying the expenses of building a jail in said county: *Provided*, That no levy shall be made under this act, except as now provided by law.

§ 2. That this act shall take effect from and after its passage.

Approved February 16, 1858.

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#### CHAPTER 655.

AN ACT to pay to Thomas S. Theobald, former Keeper of Kentucky Penitentiary, the amount due him by the Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of Public Accounts be and he is hereby directed to draw his warrant on the treasury in favor of Thomas S. Theobald, former keeper of the Kentucky Penitentiary, for the sum of two thousand five hundred and seventy-six dollars, that being the amount of principal, interest, and costs of a balance found in his favor against the Commonwealth of Kentucky by the General Court at its February term, 1849, in the suits of the

"Commonwealth vs. Thomas S. Theobald, &c., which said amount shall be in full of all claims whatever that said Theobald has against the Commonwealth on account of the penitentiary or any matters connected therewith.

Approved February 16, 1858.

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#### CHAPTER 656.

**AN ACT** for the benefit of the Louisville and Frankfort Railroad Company, and the Lexington and Frankfort Railroad Company.

Whereas, the Louisville and Frankfort Railroad Company, and the Lexington and Frankfort Railroad Company, have entered into an arrangement to transact their business jointly under one management, whereby it would be convenient that the election of Directors of each company, and the regular annual meeting of the stockholders, should be held on the same day. Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the annual meeting of the stockholders of each of said companies, for the election of Directors of the respective companies, shall be held on the last day in July in each year, unless the last day of said month shall be Sunday, in which case the said meetings shall be held on the last Saturday in said month, instead of the days now fixed for said meetings in the respective charters of said companies.

§ 2. The President and Directors of each of said companies shall hold their respective offices until the election in July next after the passage of this act.

Approved February 16, 1858.

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#### CHAPTER 658.

**AN ACT** for the benefit of L. Hogland.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the County Judge of Bullitt county is hereby authorized to grant to L. Hogland license to retail spirituous liquors at his depot near the town of Shepherdsville, instead of his tavern house in said town, upon his paying to the Clerk of the Bullitt County Court the tax required to be paid by tavern keepers, and executing bond under the same penalties as now required by law of tavern keepers.

§ 2. This act to take effect from and after its passage.

Approved February 16, 1858.

1858.

## CHAPTER 659.

AN ACT to incorporate the Lewisport Pond Draining Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Corporator's  
names.

§ 1. That George Smith, Samuel B. Pell, James Prentis, Levi Smith, James J. Moore, Jr., Winston Lowery, Thos. Blincoe, and William Greathouse, and all of the persons owning lands in that part of Hancock county included in the following boundary, to-wit: Beginning at the mouth of Blackford's creek; thence up said creek, and with the Daviess county line, to Mason's old ford, at the point where the old road leading from Troy to Yelvington, in Daviess county, crosses said creek; thence with the said road to where it crosses Yellow creek, at the Gabbard farm; thence down Yellow creek to the Ohio river; and down the Ohio river to the beginning, shall be and they are hereby created a body politic and corporate, by the name and style of the "Lewisport Pond Draining Company;" and they and their successors shall have perpetual succession, and full power and authority to drain, and keep drained, all the ponds and marshes in said boundary, at the costs and charges of the owners and proprietors of the lands contained therein; and to make all necessary contracts; to sue and be sued, to plead and be impleaded, in all courts; and to keep a record of their proceedings; to appoint all necessary officers and agents for the purpose of carrying into effect the provisions of this act, who shall be under the control of said company; and to make such by-laws for the government of the corporation, and regulations for the management of its prudential concerns, as they may deem expedient, not contrary to the laws of this State, or of the United States; and to have a common seal, and to change the same at pleasure; and generally, to do all acts and things that a corporation for limited purposes may lawfully do.

President and  
Directors to be  
elected.

§ 2. That on the first Saturday in May, 1858, the Sheriff of Hancock county, or his deputy, together with two Justices of the Peace of Hancock county, after selecting a Clerk, shall at the school house in the town of Lewisport, cause a poll to be opened for the purpose of electing a President and four Directors, at which election all persons owning lands within the said boundary shall be entitled to vote, and infants, *femes covert*, and persons owning lands, as aforesaid, not residing in said county, shall be entitled to vote by and through their guardians, husbands, and duly authorized agents or proxies, in this as well as all other elections held by or for said corporation; and the Sheriff shall post, or caused to be posted up, notices of said election, at the school house door in the town of Lewisport, and at least three public places within the said boundary, for at least ten days before said election. The

Who shall be  
voters.

President and Directors of said corporation shall hold their offices for one year, or until their successors shall be elected, with power to fill vacancies during their term, and have such other powers as the by-laws of said corporation and this act shall confer; and on the first Saturday in every year, the like election shall be held; and all such elections shall be conducted under the same rules and regulations as is now provided by law in cases of elections for members of the General Assembly, with the exceptions herein named; and the Sheriff shall give to the persons elected a certificate thereof, and file the poll book with the Clerk of the Hancock County Court.

§ 3. That for the year 1858, and each year thereafter, there shall be collected on each acre of land, within the above boundary, a tax not to exceed twenty cents, which shall be fixed by the President and Directors; and to that end they shall cause an assessment to be made of each acre of land within said boundary, with the name of the owner, and list the same for collection with the Sheriff of Hancock county, who shall collect and pay over the same to the order of said President and Directors, or a majority of them, at the same time that he is bound to pay over the revenue tax; and he shall have the same power to levy and collect the same that he has to levy and collect the revenue tax, and shall receive the same compensation; and he and his securities shall be liable to the same penalties, in the same manner, on motion of the President and Directors, in the Hancock Circuit Court, under the same forms as for money collected and withheld on executions, for all such sums of money withheld by him as collector aforesaid.

§ 4. That the said President and Directors shall employ a competent engineer, and cause him to take the necessary and proper levels, and make a plan for the draining of all such ponds and marshes, within said boundary, as they may direct, and make an estimate of the costs of each separately, and make an estimate of the quantity of land which will be reclaimed on each tract, and perform all other duties that the said President and Directors, or the by-laws of the corporation shall require of him; and make prompt report to the said President and Directors at such times as they may direct.

§ 5. That at the same time and place that the company elect their President and Directors, they shall also elect three assessors, (not resident or owning lands in said boundary, but citizens of Hancock county,) whose duty it shall be, when called upon by the said President and Directors, to make an assessment of the increased value, when drained, of any lands which may have been drained, or contracted to be drained, over and above its value in the natural state, and make a report thereof to the

1858.

General powers  
of President &  
Directors.Shall employ  
engineer, &c.Assessor's to be  
elected.

Their duties.

1858.

President and Directors; and the President and Directors shall have power and authority to levy, on all such lands, not more than one half the amount of additional value which said assessors, or a majority of them, are of opinion that such lands have acquired, or will acquire, by draining; which, if not paid to the Treasurer of the company within three months thereafter, may be listed, collected, and accounted for, as provided for in section third of this act, as to the tax there authorized to be collected, and to be recovered in the same manner, from the collector and his securities, and in the same court, with like damages; and the said Sheriff shall be allowed the same commission thereon that he is now allowed for collecting money on executions. And the money, so collected, shall be expended in making the drains or improvements; but if that is done with the other funds, the amount may be applied to the draining of other lands: *Provided*, If any person shall feel himself aggrieved by the assessment authorized by this section, he shall have a right to appeal, under the same regulations as from a judgment before a Justice of the Peace; and if the assessment is not reduced, upon the appeal, the President and Directors shall recover their costs on the appeal; and all suits, by or against said company, shall be in the name of, or against the President and Directors of the Lewisport Pond Draining Company, by name.

*May acquire right of way.*

§ 6. The said President and Directors shall have the right to acquire, by deed of gift, purchase, or otherwise, a right of way for all necessary sites for said drains; and in case the parties cannot agree, they may apply to the County Court of Hancock county, and have the right of way condemned, as public roads are condemned in this Commonwealth, except that a certified copy of the engineer's report, of a drain, shall be in place if the report of Commissioners under the road law, and be considered in favor of the drains, and may be acted on as soon as the parties shall be notified; and the court shall have the same power to condemn the right of way, and establish the drain, that it has to establish a road; and when any person or persons shall have paid any money under the provisions of this act, and shall thereafter lose the land by virtue of other claims, he or they shall have a lien on the same for the amount they have paid with interest.

*When lands may be sold to pay taxes, &c.*

§ 7. That in case any person, owning lands within the said boundary, shall refuse to pay the taxes levied under section third of this act, or other moneys assessed upon their lands under section fifth hereof, and there is no personal property in said county subject to levy, the Sheriff may levy upon and sell the lands of such person, or so much thereof as may be necessary, to the highest bidder, to satisfy the said taxes or assessments and costs of sale,

after advertising the same as in cases of executions; and the owners shall have the right to redeem the land, so sold, at any time within twelve months thereafter, by paying to the purchaser the amount of the sale, with interest at the rate of ten per centum per annum; and if not redeemed within the time, so allowed, the sale shall be final, and the Sheriff shall make a conveyance to the purchaser, which shall convey all the right, title, and interest, of the person so failing to redeem said lands.

1858.

§ 8. That in order that a perfect equality in voting shall be secured, all persons owning lands in said boundary shall be entitled to one vote for one hundred acres, or less; and one additional vote for every additional one hundred acres of land he owns in said boundary up to five hundred acres; and one additional vote for every additional five hundred acres he owns over and above the first five hundred acres; but no person shall be allowed to vote, in any such election, or be eligible to office, unless they shall have paid all taxes due the company up to the end of the year previous to said election, and are entirely free from indebtedness to the company on account of assessments under section fifth hereof, up to said time; and all taxes shall be, for the year commencing on the first day of January and ending on thirty-first day of December following, collectable in that year.

Qualifications of  
voters, &c.

§ 9. That when any land is in dispute, and claimed by two or more persons, living within or without said boundary, the individual or individuals paying the taxes on the same shall have the right to vote, in proportion to the land upon which he or they so pay the tax, as herein before directed.

Who shall vote,  
when land is in  
dispute.

§ 10. That the County Court of Hancock county shall, annually, at their February or March term, after the year 1858, appoint a Commissioner to settle the accounts of the said company; and it shall be the duty of the President and Directors, on the application of said Commissioner, to present to him their accounts, clearly and succinctly setting forth the amount of money received by them, and by and to whom and at what time paid out, and for what it was paid, together with a full report of the transactions and works of the company during the year, and the said Commissioner shall adjust and balance said accounts, and make a full report of his proceedings to the said County Court, who shall note said report on their order book, and file the papers in their Clerk's office for public inspection, and shall make an allowance to said Commissioner for his services, to be paid by the said President and Directors out of the funds of the company.

Commissioner  
to be appointed  
—his duties.

§ 11. That the President and Directors, after cutting any drain, or drains, shall make return of every such drain, or drains, to the County Court of Hancock county,

1858.

President and  
Directors to re-  
port to County  
Court, &c.

who are required to appoint overseers thereof, with an allotment of hands to keep the same open, in the same manner that they appoint overseers of public roads, and allot hands to work the same; and the said overseer shall be subject to the same penalties for not keeping said drains in repair, that overseers of public roads are, upon presentment of the grand jury; and when said company shall have drained all the ponds and marshes in said boundary and placed the same under the management of the County Court of Hancock county, their corporate powers shall cease and determine.

§ 12. This act to take effect from its passage.

Approved February 16, 1858.

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#### CHAPTER 660.

**AN ACT to amend the charter of the Hamilton and Buffalo Hill Turnpike Road Company**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the charter of the Hamilton and Buffalo Hill Turnpike Road Company be so amended, as to allow said company to extend said road from John C. Riley's gate, to intersect the Union and Florence Turnpike Road at Weaver's blacksmith shop.

Approved February 16, 1858.

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#### CHAPTER 661.

**AN ACT to incorporate the Millersburg and Cane Ridge Turnpike Road Company.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Road to be le-  
saled.

§ 1. That a company is hereby formed, for the purpose of constructing a stone McAdamized road from near the town of Millersburg, Bourbon county, Kentucky, connecting at the Maysville and Lexington Turnpike Road, at the residence of Robert E. Miller, and following the county road as it now exists, with such changes as may be necessary, until it intersects the Paris and Flat Rock Turnpike in the vicinity of Cane Ridge Meeting house, the point of intersection to be selected and adopted by the Board of Directors.

Capital stock.

§ 2. The capital stock of said company shall be fifteen thousand dollars, if so much is necessary to construct said road, and the Board of Directors shall have power, in their discretion, to increase said capital stock to eighteen thousand dollars if necessary to the construction thereof.

1858.

Commissioners

Obligation.

§ 3. That books of subscription for said stock shall be opened at any time after the passage of this act, in the town of Millersburg, and at the house of Jacob Sandusky, and at such other places, and at such times, as the Commissioners hereby appointed, or any one of them, may direct. John G. Black, Horace R. E. Miller, and Joseph McClelland, are appointed Commissioners to open said books, and receive said subscriptions. The form of the subscription shall be as follows: "We, whose names are hereunto subscribed, promise to pay to the Board of Directors of the Millersburg and Cane Ridge Turnpike Road Company the sum of fifty dollars for every share of stock set opposite our names, in such manner and proportions, and at such times, as shall be determined on by said board, and agreeably to an act of the General Assembly incorporating said company. Witness our hands this —— day of ——, 18—." The said books shall remain open until all of said stock is taken. And the County Court of Bourbon county shall have power, and are hereby authorized, a majority of the acting Justices of said county being present and concurring, to subscribe to the stock of said company, not exceeding the rate of seven hundred and fifty dollars per mile, and to levy a tax, for the purpose of raising it, upon all the taxable property of said county at any County Court, to be collected as other taxes are: *Provided*, Before said subscription is made, and said levy directed, said court shall be satisfied that subscriptions to the stock of said company shall in good faith have been made, sufficient, with the county subscription, to complete three miles of said road.

§ 4. When fifty shares of said stock shall have been taken said Commissioners shall give due notice, in one of the papers of Paris, that the number of shares required for organization have been taken, and that a meeting of the stockholders will be held at such time and place as said Commissioners shall therein designate, for the purpose of organizing a Board of Directors for the construction of said road. The number of Directors shall be five; the election shall be held under the supervision of at least two of said Commissioners. The voting shall be by ballot, and each stockholder shall be entitled to one vote for each share of stock held by him, and may vote in person or by proxy in writing. Said board shall continue in office for one year, and until their successors shall be duly elected and qualified. After the first election said board shall be elected on the first Saturday in March of each year, in the town of Millersburg, at such place as the Board of Directors shall designate, of which they shall give due notice.

§ 5. To enable the Directors to carry out the objects of this charter, when organized as herein provided, it shall

When company  
is organized.

1858.

Name and style.

be and is hereby declared to be a body politic and corporate, by the name and style of the "Board of Directors of the Millersburg and Cane Ridge Turnpike Road Company;" and under that name shall have perpetual succession, shall be capable of taking and holding said capital stock, and the increase and profits thereof, and of purchasing and holding, to them and their successors in office, all such real and personal property as may be necessary; and of suing and being sued in any court in this Commonwealth; of using a common seal, and altering the same at pleasure; and to make such by-laws, not inconsistent with the laws and constitution of this State and the United States, as may be necessary for the government of said Board, and do all and every act and thing a turnpike company may lawfully do.

President.

§ 6. Said Board of Directors shall elect one of their number President, and may elect a Clerk and Treasurer, and take from the latter such bond for the faithful discharge of his duties as may be necessary.

Width of road.

§ 7. Said board shall make said road, where practicable, not less than thirty feet wide, and the part covered with stone shall not be less than twelve feet wide. They shall keep a record of their proceedings. They shall have power to erect a toll-gate whenever three miles of said road shall be completed, and shall charge the same rates of tolls the Maysville and Lexington turnpike may lawfully do, and in proportion to the distance completed; and if said road when completed shall exceed five miles in length, they may charge for the excess in the same proportion as charged for five miles. Said board shall have the power to acquire the right of way, stone quarries, land for toll-gates, to the extent and in the manner authorized by the CIII chapter of the Revised Statutes, title Turnpikes and Plank Roads, and shall possess all the rights, privileges, powers, and immunities of any other turnpike within this State.

§ 8. This act shall be in force from its passage.

Approved February 16, 1858.

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#### CHAPTER 662.

AN ACT to amend the charter of the Bloomfield and Springfield Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the following named sections, to-wit: Second, eighth, ninth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-third, twenty-eighth, thirtieth, thirty-fourth, of an act, entitled, an act to incorporate the Danville and Hus-

tonville Turnpike Road Company, approved March 1st, 1844, he and they are hereby incorporated and made a part of an act of assembly incorporating the Bloomfield and Springfield Turnpike Road Company, approved January 23d, 1854, as far as applicable, and as fully as if written out section by section and made a part of this act.

1858.

Approved February 16, 1858.

## CHAPTER 664.

AN ACT to incorporate the Lumbermen and Builders Planing Mill Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a corporation is hereby created, by the name and style of the "Lumbermen and Builders Planing Mill Company." Said company shall have all the rights, immunities, and powers that may be necessary and fit for the conducting of its business, which shall be to manufacture building materials of wood in all branches. The corporation may sue and be sued, plead and be impleaded, and may purchase and hold real estate necessary for the purposes of said business.

Name and style.

§ 2. The capital stock of the company shall not exceed two hundred thousand dollars, in shares of one hundred dollars each. Subscriptions for stock shall be made by persons signing their names to a covenant to take the number of shares placed opposite to their names, and to pay the Lumbermen and Builders Planing Mill Company the amount thereof. John N. Breeder, William Garnett, Arthur Peter, A. G. Munn, and Wm. Cornwall, or any three of them, may open a book with such a covenant for subscriptions, and when the sum of fifty thousand dollars is subscribed they may call the subscribers together, who may organize the corporation by the election of a President and two Managers.

Capital stock.

Commissioners.

§ 3. The President and Managers shall hold their offices for such time as may be prescribed by the stockholders, and conduct and manage the affairs of the corporation in such manner as the stockholders shall by their by-laws direct: *Provided*, Such by-laws be not inconsistent with the laws of this State or of the United States.

Term of office.

§ 4. That there shall be annual meetings of the stockholders, and oftener if called by the President and Managers, or a majority of the stockholders; and at every such meeting a majority of the corporation shall, if required, submit a statement of the affairs, business, and accounts of the company. A majority of stockholders may, from time to time, permit additional stock to be subscribed for;

Annual meetings, &amp;c.

1858.

until the whole amount authorized by this act shall be taken. A stockholder may vote by his proxy, authorized in writing; the stockholders may, from time to time, make such calls on the shareholders as they see fit; and if any shareholder shall fail to pay any call, his stock, or as much as may be necessary, may be sold after thirty days notice in some one of the newspapers in Louisville, at public auction to the highest bidder; and if at such sale the stock does not bring enough to pay the deficit then the defaulting stockholder shall be bound to make it good, but if the stock shall sell for a sum more than sufficient to pay to the company the whole amount of the defaulters stock, with the interest and costs, then such excess shall be paid to the stockholder.

Stock—how voted.

§ 5. Each shareholder shall have as many votes as he has shares. Certificates of stock shall be issued as the by-laws may direct. The stock shall be personal estate, and transferred on the books of the company in person or by attorney. The corporation shall have a lien on the stock of any stockholder for any debt he may owe to the company.

Dividends.

§ 6. Dividends of profits may be declared yearly or half yearly, but no dividend shall ever diminish the capital stock subscribed.

Notice of organization.

§ 7. The corporation shall give notice in one of the newspapers in Louisville of the organization of the company under this act.

Limit of charter.

§ 8. The corporation shall continue twenty years, subject to the right in the Legislature to change or repeal this charter at pleasure.

Liability of stockholders.

§ 9. The stockholders shall be liable to any creditor of the corporation, should said company fail at any time to meet its liabilities.

Approved February 16, 1858.

## CHAPTER 665.

AN ACT for the benefit of the Simpson's Creek and Bardstown Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act passed during the present session of the General Assembly, entitled, "an act to incorporate the Bardstown and Simpson's Creek Turnpike Road Company, be so amended as that the President and Directors of said company may fix the point at which the said road may leave the Bloomfield and Louisville Turnpike Road, and the point at which it intersects the Bardstown and Louisville Turnpike Road. This act to take effect from its passage.

Approved February 16, 1858.

## CHAPTER 666.

1858.

AN ACT to incorporate the Kentucky Coal Mining and Iron and Oil Manufacturing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That William T. Nichols, Robinson M. Biggs, D. K. Weis, and their associates, be and they are hereby created a body politic and corporate, by the name of the "Kentucky Coal Mining and Iron and Oil Manufacturing Company," and by that name the said company shall be competent to contract and be contracted with, sue and be sued, in all courts of competent jurisdiction in this Commonwealth, with full power and authority to themselves and their successors, to acquire, hold, possess, use and enjoy such lands, rents, tenements, and hereditaments, goods, chattles, property, and effects, not exceeding in value four hundred thousand dollars, for conducting the business of mining coal, and the manufacture of coal oil and pig iron, and of other manufactures in the State of Kentucky; and they may build and construct, upon any lands they may acquire under the provisions of this act, furnaces, rolling mills, and such other machinery and work as may be necessary to develope the resources of their property, and to transport the coal, iron, and other products and manufactures thereof to market, and encourage the erection of manufacturing establishments in their vicinity, and for other purposes connected with the operations of said company. Said company may give, lease, sell, and convey any part or parts of their premises, in all respects the same as natural persons.

§ 2. The said company is empowered to construct roads or railways of double or single tracks from the Ohio river to any or all their mines or manufacturing establishments, and for such purposes may cross or pass along any highway or water course: *Provided*, That highway is in no way obstructed by the erection of such roads or railways, or the navigation of any such water courses shall in no wise be obstructed by the erection of such roads or railways: *And, provided further*, That such highways or water courses be left in as good repair or condition as before for public use. And said company may enter upon and cross any lands for such purposes: *Provided*, The previous consent of the owner or owners thereof be first obtained.

§ 3. Said company may also sell and convey, lease, mortgage, and pledge any real estate or personal property and effects of said company, in such manner as may become necessary in transacting or facilitating the business of said company. And said company may have and use a common seal, and the same alter, amend, break, and renew at pleasure; and they shall also have the pow-

Corporators.

Name and style.

Business, &amp;c.

May construct  
railroads, &c.May sell and  
mortgage prop-  
erty.

1858.

er of making, establishing, and executing such by-laws, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, The same be not contrary to the laws of this State or of the United States.

*May appoint agent.*

§ 4. Said company shall have power to appoint any one or more of its members, or other persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations which said company may adopt.

*Capital stock.*

§ 5. The capital stock of said company shall not exceed four hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be subscribed and paid for in such manner as said company may prescribe by its by-laws.

*Delinquent stock.*

§ 6. Should any subscriber to the capital stock of said company fail to pay the amount so subscribed by him, her or them, within thirty days after the same shall have been demanded of said subscriber by the proper officers of said company, according to the by-laws of said company, then and in that event the stock of such delinquent subscriber may be declared forfeited as provided for in the by-laws of said company, together with all previous partial payments which may have been made by said delinquent subscriber, and the same, when forfeited, shall enure to the benefit of said company, or said delinquent subscriber may be sued for any unpaid amount due upon his or her stock, at the option of the proper officers of said company.

*List of stock-holders to be kept.*

§ 7. That said company, when fully organized, shall cause a book to be opened and kept subject to the inspection of any member of said company, which shall contain the names of all the members, and the number of shares owned by each; and said shares may be transferred on said books in the manner to be prescribed in the by-laws of said company; and each member shall share the profits and liabilities of said company to the extent of, and in proportion to the amount of his stock owned by him in said company.

§ 8. Said company may commence operations at any time after the passage of this act.

Approved February 16, 1858.

#### CHAPTER 667.

AN ACT to incorporate the Republic Insurance Company, of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their suc-

cessors and assigns, shall be and are hereby constituted and made a body politic and corporate by the name and style of "The Republic Insurance Company," and the office of said company shall be located in the city of Louisville.

§ 2. That the capital stock of said company shall not exceed four hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and there shall be paid into the treasury of said company, by each subscriber to the capital stock at the time of subscription, an installment of ten per cent. on the stock by him subscribed, and the remainder shall be paid, or amply secured to be paid, in such securities as the President and Directors may deem sufficient. And the said company shall not commence business until one hundred thousand dollars shall be paid in, or secured to be paid in, as aforesaid.

§ 3. That the stock, property, and affairs of said corporation shall be managed and conducted by a President and eight Directors, who may respectively hold their offices for the year, and until others are chosen in their stead. The annual election for President and Directors shall be held on the second Monday in January, in each year, at the office of the company—notice of which shall be given in one or more of the papers published in Louisville, at least five days previous to said election. Such elections shall be held under the direction of three stockholders, to be appointed by the Directors, and shall be by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for every share of the stock; and no person shall be a President or Director who does not own ten shares of the stock, and is not a resident of the city of Louisville or county of Jefferson; and in case of death, resignation, or removal from the county, of the President or any Director, the remaining Directors shall elect some person to fill the vacancy for the residue of the year.

§ 4. That John Muir, John Cornwall, Robert Montgomery, M. Halbert, and W. C. Hite, be Commissioners to receive subscriptions to the capital stock of said company; and that as soon as one thousand shares or more of said stock shall be subscribed, the Commissioners shall call a meeting of the stockholders by an advertisement, published at least five days previously, in one or more of the daily papers published in Louisville, stating the time and place at which such meetings of the stockholders shall be held, and they shall by ballot elect a President and eight Directors of said company. Said Commissioners shall appoint three inspectors being stockholders, of said election; but it is provided, nevertheless, that if there should be any deaths or resignations among the Commissioners

1858.  
Name and style.

Capital stock.

President and  
Directors.

Commissioners.

1858.

above appointed, then the remainder shall select others to supply the vacancies so occasioned. The President and Directors thus elected shall continue in office until the next annual election, as herein before appointed, and until their successors shall be elected.

*May insure vessels, freight, &c.*

§ 5. That the said company shall have power to make insurance upon vessels, freights, goods, wares, and merchandize, and to make all and every insurance connected with marine risks, and the risks of transportation and inland navigation; to make insurance upon stores, dwelling houses, and all kinds of buildings, and upon household furniture, merchandise, and other property against loss or damage by fire; and said company shall be, and are authorized, to make insurance on lives, and to contract for, sell and grant annuities and make all contracts in which the casualties of life are involved, and to cause themselves to be re-insured when deemed expedient.

*Semi-annual statements to be made out.*

§ 6. On the second Monday in July, and on the second Monday in January, in each year, half yearly statements shall be made of the situation of the capital, and of the state of the accounts of the company, and exhibited to the stockholders, when such a dividend of the profits shall be made as a majority of the Directors shall decide; but in no case shall the capital stock paid in be diminished.

*May hold real estate.*

§ 7. That it shall and may be lawful for the said company to take and hold any real estate or securities, "*bona fide*," mortgaged or pledged to the said company, to secure the payment of any debt which may be contracted with the said company, and to foreclose the same, and also to purchase on sales made by virtue of any judgment at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise, to receive and take any real estate in payment of any debt due to the said company, and to hold it until the President and Directors may deem it proper to sell the same, and to invest the capital stock, or so much of the surplus profits of said company as they may deem fit, in such manner as the President and Directors may decide; and they may loan their money, provided they shall not take a greater rate of interest than at the rate of six per cent. per annum, in advance, for notes discounted by them, or for money loaned by them.

*Limit of charter.*

§ 8. That the said company shall continue until the 31st day of December, 1899, and by their name "Republic Insurance Company," are made capable in law to have, purchase, or receive, possess, enjoy, and retain to them and their successors, goods, chattels, public or private securities of any kind, not exceeding the amount of the capital before named, and to sell and dispose of the same at any time and in any manner, and to sue and be sued, plead and be impleaded, answer and be answered, defend

and be defended, in any court of record, or in any other place whatsoever. Also, to make and use a common seal, and the same to break, alter or renew, at pleasure. Also, to ordain, establish, and put in execution, such by-laws as may be convenient for the government of said corporation, not contrary to law, and may repeal, alter, or amend the same.

§ 9. That the President and Directors, for the time being, shall have power to appoint such officers and agents under them as shall be necessary for executing the business of said company, and to allow such compensation as may be agreed upon, and to require and take bond and security for the discharge of their respective duties and trusts; and the said President and Directors shall make by-laws and ordinances to govern the corporation, and may repeal, alter or amend them; but they shall not alter or repeal any by-law passed by the shareholders; and the President and four Directors shall constitute a quorum for the transaction of business, or five Directors, without a President, one of whom shall be chosen President for the time being.

Officers may be appointed.

§ 10. The form of certificate of stock, and the manner of transferring such certificate shall be prescribed by the President and Directors, and a lien is hereby created in favor of the corporation, on the stock of each shareholder, for any claim that the company may have for the unpaid part of his shares or other debts due or owing to said company; and it shall be the duty of the Directors, at least once in each year, (or oftener, if they deem it necessary) to examine all notes given by the shareholders in said company for the balance due on account of stock; and should a majority of the Directors be of opinion that the surety or sureties of any note is not good, they shall give notice to such shareholder that a new note or notes, with additional or other security, or sureties, is required. Should such surety or sureties not be given within thirty days, it shall be the duty of the said Directors, and they are hereby authorized to advertise such share or shares of stock for sale, in one or more newspapers published in the city of Louisville, for the space of thirty days, and sell such share or shares of stock to the highest bidder for cash, for such part of said stock as has been paid in cash, (and for note or notes, for that part which had not been paid in cash,) with good security or securities; and on the payment of the cash and the execution of the notes with satisfactory sureties for the residue due on such shares of stock, it shall be the duty of the President or Secretary of said company to issue to the purchaser a certificate or certificates of stock in place of those held by the former owner, and on a presentation and surrender of the former certificate or certificates of stock, the President and Di-

How stock transferred.

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rectors shall pay over to the holder the cash for which such share or shares were sold, first deducting the costs and charges of sale, and any debt due the company by said shareholder.

Corporation not dissolved by failure to hold election.

§ 11. That should any election directed to be held under the charter of said company, from any cause be neglected to be held on the day designated, or be held on a subsequent day, the corporation shall not, on that account, be dissolved; but any or all elections held in good faith shall be valid, as if held on the day designated in the act of incorporation.

Process may be served on President or Secretary.

§ 12. Every writ may be served on the corporation, by executing the same on the President or Secretary, which shall authorize a judgment by default, if the corporation fail to appear.

Policies to be signed by the President and Secretary.

§ 13. All policies of insurance, or other contracts authorized by this act, which shall be made and entered into by the said corporation, may be with or without the seal thereof, and shall be subscribed by the President and attested by the Secretary, and being so signed, executed and attested, shall be binding and obligatory upon the said corporation, according to the true intent and meaning of said policies and contracts, and all such policies and contracts may be so made signed and executed and attested, without the presence of the Board of Directors.

No banking privileges.

§ 14. In no case shall this corporation exercise the business of banking, by issuing notes as an incorporated bank.

Approved February 16, 1858.

#### CHAPTER 668.

AN ACT to incorporating the Eastern Kentucky Coal, Oil and Iron Manufacturing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Robert G. Carter, Landon Carter, Geo. W. Crawford, Charles A. Marshall, and John Cairns and their associates and successors, be and they are hereby constituted a body politic and corporate, by the name and style of the "Eastern Kentucky Coal Oil and Iron Manufacturing Company," by that name and style shall have perpetual succession, with power to contract and be contracted with, to sue and be sued, in that name in all courts and places; to have a common seal; to engage in the mining of coal, the mining of iron-ore, and other minerals from the land now owned, or which may hereafter be owned by them; the manufacture of iron and coal, oil, and other product from such land; to transport the same, or any portion thereof, to home and foreign markets; and

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to have such other powers as may be needful for the successful prosecution of their business, not inconsistent with the constitution and laws of this State or of the United States.

§ 2. The said corporators may organize said company by the appointment of a President and Directors, and such other officers and managers as they may deem necessary, upon notice previously given of the time and place of such organization; and when thus organized may make all needful by-laws, rules, and regulations for the government, management, and prosecution of the business of said company.

§ 3. The capital stock of said company shall be two hundred thousand dollars, in shares of one hundred dollars each, to be subscribed for and paid as said company may direct. The said company may hold real estate, mining rights, rights of way, and such other property or estate as may be necessary for the proper and successful prosecution of their business; and the same, or any portion thereof, to sell or otherwise dispose of as the interests of the company may require.

§ 4. The right to amend, alter or repeal this charter by the General Assembly at any time is hereby reserved.

§ 5. This act shall take effect from and after its passage.

Approved February 16, 1858.

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#### CHAPTER 669.

AN ACT for the benefit of School District No. 15, in Breathitt county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Trustees of School District No. 15, in Breathitt county, shall be entitled to draw for ten children not reported from said district in the year 1856, the amount to be paid out of the School Fund for said county of Breathitt. This act to take effect from and after its passage; and the Auditor of Public Accounts shall draw his warrant on the Treasurer for the amount.

Approved February 16, 1858.

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#### CHAPTER 670.

AN ACT for the benefit of the Louisville and Oldham Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Louisville and Oldham Turnpike Road Company may abandon, for such length of time as they may think proper, any portion of their road lying east of

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Harrod's creek, and during the time of such abandonment they shall not be allowed to charge toll upon the portion so abandoned.

§ 2. During the time of such abandonment such portion of said road shall be deemed a county road, subject to all the laws of the Commonwealth applicable to other county roads in Jefferson county.

Approved February 16, 1858.

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#### CHAPTER 671.

**AN ACT to create an additional Justices' and voting district in Rowan county.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That it may be lawful for the County Court of Rowan county to establish, by proper metes and bounds, one additional Justices' and voting district in said county, in which district there shall be elected two Justices of the Peace and one Constable, said officers to be elected as such officers are now by existing laws authorized to be elected. This act shall be in force from the date of its passage.

Approved February 16, 1858.

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#### CHAPTER 672.

**AN ACT to legalize the sale of the public well in London.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the County Judge of Laurel county be and he is hereby empowered to make deed to the public well in the town of London, in conformity to a sale of said well made under orders of the Court of Claims of said county, and to collect, or have collected, the money arising from said sale; and do all things necessary to carry out the provisions of said sale, in as valid a manner as though said sale had been legally provided for before the same was made. This act shall be in force from the date of its passage.

Approved February 16, 1858.

## CHAPTER 673.

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**AN ACT for the benefit of the New Orleans and Ohio Railroad.**

**Be it enacted by the General Assembly of the Commonwealth of Kentucky:**

That the President and Directors of the New Orleans and Ohio railroad company be and they are hereby authorized to pledge and mortgage the bonds of said company, not exceeding the sum of four hundred thousand dollars, for the sole purpose of raising funds to carry on and complete said railroad within this State. This act to take effect from its passage.

Approved February 16, 1858.

## CHAPTER 677.

**AN ACT for the benefit of James S. Coleman, Q. C. Shanks, and Elijah Phipps, of Ohio county.**

**Be it enacted by the General Assembly of the Commonwealth of Kentucky:**

That James S. Coleman, Q. C. Shanks, and Elijah Phipps, late Sheriffs of Ohio county, be allowed the further time of two years from and after the passage of this act, to collect the unpaid lists of taxes and fee bills still due them, and that they have authority to distrain for the collection of the same by the proper officers: *Provided however*, That the said James S. Coleman, Q. C. Shanks, and Elijah Phipps, shall be held liable, on their official bond, for any illegal procedure in carrying into effect the provisions of this act, in the same manner as Sheriffs are held liable upon official bond. This act shall be in force from the date of its passage.

Approved February 16, 1858.

## CHAPTER 678

**AN ACT for the benefit of William Johnson and Aaron Johnson, of Laurel county.**

**Be it enacted by the General Assembly of the Commonwealth of Kentucky:**

§ 1. That from and after the passage of this act, the further time of two years be and the same is allowed to William Johnson, late Sheriff of Laurel county, to collect his unpaid lists of taxes due him as Sheriff, his fees as such; that he have power to distrain for the collection of the same, being liable for any illegal or unlawful procedure in relation thereto, according to the laws in relation to the duties of Sheriffs.

§ 2. That Aaron Johnson, late Sheriff of Laurel county, be allowed the further time of two years from and after

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the passage of this act, to collect his unpaid lists of taxes and Sheriff's fees. That the said Johnson shall be liable on his official bond for any illegal act in collecting said fees and taxes, according to existing laws in relation thereto.

Approved February 16, 1858.

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CHAPTER 679.

AN ACT to incorporate the Maxville, Willisburg, and Beech fork Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Name and style.** § 1. That a company is hereby formed under the name and style of the "Maxville, Willisburg, and Beech Fork Turnpike Road Company," for the purpose of constructing an artificial road from the town of Maxville, in Washington county, through Willisburg, in said county, to intersect the Bloomfield and Springfield Turnpike, or either the Bloomfield and Chaplintown Road, or Taylorsville and Chaplintown Road, at the best and most practicable point that may be determined and agreed upon hereafter by the Commissioners herein named to open books and receive subscription, &c.

**Capital stock.** § 2. That the capital stock of said company shall be thirty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act then the President and Directors may increase it to such an amount as they may deem necessary, and open subscription therefor in such manner as they may deem best.

**Commissioners.** § 3. Books for the subscription of stock in said company shall be opened on the — day of February, 1858, or as soon thereafter as may be convenient, at Maxville, Willisburg, and such other places as may be deemed best, under the direction of R. S. Mitchell, Munford Peter, Jas. McKidrick, John Nelson, Turner Colvin, Thomas Phelps, Thomas Colter, E. D. Askins, E. B. Miller, John Breckinridge, Wade Dorson, Jetson Moore, John Hays, Wm. Hardister, and Wm. Chesher, or some three or more of them, at each place, who are appointed Commissioners by this act. The said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into an obligation in said book or books to pay to the President, and Directors, and Company of the Maxville, Willisburg, and Beech Fork Turnpike Road Company, the sum of fifty dollars for each and every share of stock set opposite their names, and in case any person or persons wish to pay their stock subscribed, or any part

of it, in work on said road, they shall append to their names the following words: "to be paid in work on said road, at such time, and in such manner, as may be prescribed by the President and Directors of the company, and at such valuation as may be made by the Engineer or Superintendent for the company."

§ 4. That whenever seven thousand dollars of the capital stock for said company shall have been subscribed the said commissioners, or any three or more of them, may call a meeting of the stockholders, at such time and place as they may deem convenient and proper, after first having advertised by putting up written notices at three or more most public places nearest to the proposed line of road, of the time and place, at least ten days previous to meeting. And the stockholders, on the day set, shall proceed, in person or by written proxy, to choose a President and six Directors, in whom shall be vested all the powers of the corporation for the construction and management of the prudential and financial concerns of said road. And after the board is thus organized the board may appoint such other officers as may be necessary. And an election for President and Directors shall be held on the first Monday in March, each year thereafter; and whenever an election shall not be held on the day here specified the President and Directors may fix a day, and order an election, and they shall hold their office until their successors are elected and qualified.

§ 5. That the said road shall not be less than thirty nor more than forty feet wide, and the graded part not less than twenty feet wide, where the location of the road will admit of it, and the metaled part not less than fifteen feet wide; and whenever there shall have been finished two and a half consecutive miles the company may erect a gate and receive toll, in proportion to the amount of road finished, as though five consecutive miles had been fully completed.

Width of road.

Charter of the  
Lebanon and  
Maxville road  
made part of  
this.

§ 6. That all the sections of an act to incorporate the Lebanon and Maxville Turnpike Road Company, approved March the tenth, 1856, that are not altered and changed by this act, and as far as applicable, except the twelfth, thirteenth, and fourteenth sections, be and are hereby incorporated and made a part of this charter, with all the privileges, powers, rights, and immunities therein contained, as fully as if each section was written out and incorporated section by section in this act.

Approved February 16, 1858.

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## CHAPTER 680.

AN ACT to incorporate Benton Lodge, No. 205, of Free and Accepted Masons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members of Benton Lodge, No. 205, of Free and Accepted Masons, of the town of Benton, in Marshall county, be and they are hereby created a body politic and corporate, by the name and style of "Benton Lodge, No. 205," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued upon all contracts hereafter to be made, or liability incurred; that any contract heretofore made by said Lodge, through an individual member thereof, be and the same is hereby legalized, and may be sued on by said Lodge, and collected as contracts between individuals; of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said Lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real or personal estate as they may have or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the Master, Senior and Junior Wardens, and their successors, in office as Trustees thereof, who, or a majority of them shall have power to make all contracts pertaining to the real or personal estate of said Lodge; and service of notice or process on any two of said Trustees shall be sufficient notice to said corporation.

§ 3. That said Trustees named in the second section of this act, shall hold their office until their successors are duly elected: *Provided*, That said Board of Trustees shall have power to fill vacancies in their own body, and pass such by-laws, rules, and regulations, not inconsistent with the laws of this State, as may be necessary to the management and safe-keeping of the property and other interests of the Lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate it shall be necessary for the whole Board of Trustees to join in such conveyances.

§ 4. The Legislature reserves to itself the right to change or repeal, alter or amend this act at pleasure.

§ 5. This act to take effect from its passage.

Approved February 16, 1858.

## CHAPTER 681.

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## AN ACT to legalize certain acts of the Bourbon County Court.

Whereas, The County Court of Bourbon County hath hitherto subscribed stock to the amount of \$750 per mile to all of the turnpike roads in Bourbon county, which have been constructed in said county, and has ordered a levy to be made for a like subscription to the Paris and Clintonville Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the said act of the County Court shall be legalized, and the said County Court, a majority of the Justices concurring, may make a like subscription of stock for each mile of said road, if the same should be extended to the county levy in the direction of Comb's ferry, and the subscriptions of stock aforesaid may be made, whether said road may be made by the company authorized to be incorporated by an act of the present session of the Legislature, or by the County Court of Bourbon, or by the union of said corporators, or the transfer of one to the other.

Approved February 16, 1858.

## CHAPTER 682.

## AN ACT to repeal the local laws now in force in relation to the roads in Pendleton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled, "an act to improve the roads in Pendleton county," approved March the 1st, 1854, and an act amendatory thereto, entitled, "an act to render effectual the road law in Pendleton county," approved January the 25th, 1856, be and the same are hereby repealed.

§ 2. That the roads in the said county be hereafter worked under the general road law, and that the respective surveyors and hands open and keep the roads in repair, in the same manner, and under the same requisitions and penalties, as provided by said law, except so far as the same is hereinafter modified.

§ 3. That the road districts in the said county, as heretofore laid off by the County Court thereof, be and the same are hereby established as the road districts of said county, until changed by the County Court. Whenever the County Court shall deem it necessary to change the said districts, or any of them, it shall have power to appoint any number of Commissioners, not exceeding three, to make and report to the court all such changes, with specific metes and bounds, as they may be required to

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make by the order of appointment, together with the number of days they have been employed. Before they proceed to discharge their duties they shall take an oath faithfully and impartially to discharge the duties imposed upon them by the order. They shall receive one dollar per day, each, while actually engaged, to be allowed as other county claims, at the next Court of Claims after the services are performed: *Provided however,* That the court may make the change or changes without the appointment of Commissioners, when it can do so without inconvenience, in which case the change or changes shall be entered on the order book, specifically describing the same. It shall be the duty of the Surveyor of each district, together with all the hands within the boundary, to keep the roads therein in repair as required by law.

§ 4. This act shall be in force from its passage.

Approved February 16, 1858.

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#### CHAPTER 683.

AN ACT for the benefit of the Independent Washington Hose Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That James A. T. McGrath, E. G. Deer, T. M. Deer, H. A. Polley, Ben. G. Rodgers, R. P. Redding, Richard O'Brien, R. Swarenger, and J. H. Waller, and their associates, are hereby created a body politic and corporate, by the name and style of the "Independent Washington Hose Company of the town of Shelbyville," and as such shall have perpetual succession, and be capable, in law, of contracting and being contracted with, suing and being sued, in any action or suit in any court whatever.

§ 2. They shall have the right to purchase, take, and hold, hose and a hose carriage, and the necessary apparatus and tools for the use and the repair of the same, and when convenient the same to sell and convey, and purchase other hose and hose carriage, &c., and they may purchase and hold in the town of Shelbyville, as much ground as will be required for a house for said hose carriage, and for the purpose of transacting the business of said company, not exceeding in value ten thousand dollars; and it shall be their duty to organize themselves as a hose company, and keep a hose carriage with a sufficient amount of hose, and at an alarm of fire to repair to the same with their apparatus, &c., and to use all diligence and power they can employ to the extinguishment of the same; and they shall do and transact no other business than what belongs to a hose company.

§ 3. That it shall be lawful for said company to make all needful rules and by-laws, with adequate penalties,

for the government of the company, not contrary to the laws of this State or the United States.

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§ 4. The officers of said company shall consist of a President and Vice President, Director and Assistant Director, Secretary, and Treasurer. It shall be the duty of the Secretary to list all fines against the members of the company with the Marshal of the town of Shelbyville, whose duty it shall be to collect and account for the same, said fines to be expended in repairs and other purposes, as may seem most expedient to said company. It shall be the duty of the President at the regular meeting in January and July of each year, to appoint a committee of three, whose duty it shall be to levy fines upon the members of said company for any infringement of the laws of said company by them, and it shall also be the duty of said committee to release all members from fines imposed under the power aforesaid, who have a sufficient excuse.

§ 5. The members of this company, not exceeding twenty, may be exempt from military duty, except in time of war; and it may be lawful for the Trustees of the town of Shelbyville to exempt the members of said company from the poll tax of the town.

Approved February 16, 1858.

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#### CHAPTER 684.

AN ACT to incorporate the Cynthiana, Buena Vista, and Cedar Creek Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby formed, under the name and style of the "Cynthiana, Buena Vista, and Cedar Creek Turnpike Road Company," for the purpose of making and maintaining an artificial road, on the M'Adams plan, from Cynthiana along the nearest and most practicable route, by way of Buena Vista, and up Cedar creek, to the intersection of the road from Kentontown to Sardis; and that the capital stock of said company shall not exceed thirty-five thousand dollars, to be divided into shares of fifty dollars each.

Name and style.

§ 2. Books for the subscription of stock in said company shall be opened on the 4th Monday in February, 1858, or as soon thereafter as may be convenient, at Cynthiana, under the direction of H. Rowland, John H. Dills, Silas G. Stirman, and Henry Cox; at Buena Vista, under the direction of Wm. Smith, W. B. Smith, and N. Dills; and at Kentontown, under the direction of Duncan Harding, O. G. Cameron, and A. D. Vanhook, who are hereby appointed Commissioners for that purpose; and said books

Commissioners.

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shall be kept open for twelve months, or until four hundred shares of the capital stock shall have been subscribed; and said Commissioners shall take from each person subscribing stock in said company, in a book or books provided for that purpose, the following obligation, viz: "We, whose names are hereunto subscribed, do respectively promise to pay to the Cynthiana, Buena Vista, and Cedar Creek Turnpike Road Company, fifty dollars for each share set opposite to our names, in the manner prescribed by the act incorporating said company. Witness our hands this — day of — 185—."

*When company  
to be organized.*

§ 3. That whenever four hundred shares of the capital stock of said company shall have been subscribed, the aforesaid Commissioners, or a majority of them, shall at such time and place as they may designate, call a meeting of the stockholders for an election of a President and four Directors, who shall hold their offices for one year, and until their successors are elected; the call for said meeting of the stockholders shall be published for three weeks previous thereto, either in the paper or papers published in Cynthiana, or by notice on the court house door in Cynthiana, and some public place at Buena Vista and Kentontown, and at which meeting, and all subsequent ones of the kind in choosing the officers of said company, one vote shall be allowed for each share, and a majority of votes shall decide the election.

*Corporate pow-  
ers.*

§ 4. That upon the organization of said company by the election of a President and four Directors, as aforesaid, said company shall be a body politic; and as such, and by the name and style of the Cynthiana, Buena Vista and Cedar Creek Turnpike Road Company, shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts in this Commonwealth; with power to acquire, hold, possess, use, and occupy, all such real estate as may be necessary and convenient for the site or route of said road, and lots for toll-houses, and the residence of gate keepers; for piers and abutments of bridges; also, the necessary stone, gravel, and earth for the construction and repair of said road; and to have and to use a common seal, and the same to alter and renew at pleasure; to make and ordain all by-laws as may be necessary for the construction and repairs of said road, not contrary to the constitution or laws of Kentucky.

*President and  
Directors to take  
oath.*

§ 5. That the President and Directors shall, before they enter upon the duties of their appointments, take an oath before some Justice of the Peace that they will faithfully discharge the duties of President (or Directors, as the case may be,) without favor or affection, according to the best of their judgment. That said President and Directors shall have power to appoint a Treasurer, and such other

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officers as they may deem necessary, who shall hold their offices during the pleasure of the said President and Directors. The Treasurer shall, before he enters upon the duties of his office, give bond, with two or more securities, to be approved by the President and Directors, in the penalty of five thousand dollars, conditioned that he will faithfully discharge the duties of his office, and account for all moneys that may come to his hands by virtue thereof.

§ 6. The President and Directors shall agree upon some skillful engineer, to be by them employed, to survey and examine the route for said road, and to commence the same at any point or points they may deem expedient, between Cynthiana and Buena Vista, and whenever they shall have completed five consecutive miles of said road, in the manner hereinafter designated, they may erect a gate thereon, and for each additional five miles thus completed they may erect a gate.

§ 7. That the President and Directors may allow the stockholders to work out the whole or a part of their stock subscribed, on such terms as may be agreed upon.

§ 8. That so soon as said company is organized, the President and Directors and other officers, shall possess all the powers, rights, and privileges, and shall and may do the acts and things necessary for carrying on and completing said road, as well as laying out and locating the same, and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, and be entitled to like tolls and profits as are given and granted to the Maysville and Lexington Turnpike Road Company; and all the provisions of the act incorporating the Maysville and Lexington Turnpike Road Company, approved January 22d, 1827, are hereby enacted as a part hereof, except so far as provided for in the preceding part of this act, or may come in collision with the provisions of the same; and also so much of the 14th section thereof as requires notice to the Governor when five miles are completed, &c.; and also, excepting the whole of the 27th, 28th, and 29th sections of said act.

§ 9. That on or before the meeting to appoint a President and Directors, each subscriber of stock shall pay eight dollars for each share subscribed, and at the expiration of every succeeding four months thereafter, shall pay an instalment of seven dollars per share until his, her, or their entire subscription is paid.

Engineer to be appointed.

Stock may be paid in work.

General powers

Rates of toll.

Call on stock.

Approved February 16, 1858.

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## CHAPTER 686.

AN ACT for the benefit of Daniel Higgins, of Breathitt county, and S. H. Lewis, of McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the further time of two years be allowed Daniel Higgins, former Sheriff of Breathitt county, and S. H. Lewis, of McCracken county, to list and collect their fee bills, subject to all the laws now in force against issuing illegal fee bills. This act to take effect from and after its passage.

Approved February 16, 1858.

## CHAPTER 687.

AN ACT to incorporate the Georgetown and Long Lick Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Name and style.

§ 1. That a company shall be formed, under the name and style of the "Georgetown and Long Lick Turnpike Road Company," for the purpose of making a turnpike road from the Georgetown and Covington turnpike road, near the first toll-gate nearest to Georgetown, to Asa Owen's near the headwaters of Long Lick in Scott county.

Capital stock.

§ 2. That the capital stock of said company shall be fifteen thousand dollars, to be divided into shares of one hundred dollars each; and if it shall be ascertained that the capital stock is more or less than is sufficient to accomplish the object of this act, then the President and Directors may enlarge or diminish it to such an amount as may be necessary, and open subscriptions therefor in such manner as they may think proper.

Commissioners.

§ 3. That the books for the subscription of stock in said company shall be opened on the third Monday in March next, or as soon thereafter as convenient, at the town of Georgetown, under the direction of Lanford Thomason, Asa Owens, George W. Burch, Thomas J. Nutter, and Trusten Woollen, or some two or more of them, who are appointed Commissioners to procure subscriptions of stock to said company; and they shall procure a book, and the subscribers to the stock of said company shall enter into the following obligation, to-wit: "We, whose names are hereunto-subscribed, promise to pay to the President, Directors, and Company, of the Georgetown and Long Lick Turnpike Road Company, the sum of one hundred dollars for each share of stock taken by us in said company, agreeably to an act of the General Assembly incorporating said company. Witness our hands this

Obligation.

day of \_\_\_\_\_, 185\_\_\_\_." The Commissioners, or a majority of those acting, shall give notice by public ad-

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vertisement, in writing, at four or more public places in Scott county, of the time and place of opening the books for the subscription of stock in said company, and that they will continue them open until the amount of the capital stock is subscribed, or a sufficient amount for the completion of the road.

§ 4. That as soon as five thousand dollars shall be subscribed the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and six Directors, who shall hold their offices for the term of one year, and until others are elected and duly qualified. That said President and Directors, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That upon the qualification of the President and Directors they shall appoint a Treasurer and Secretary, and such other officers as they may deem necessary, who shall hold their offices for one year, and until others are appointed. The Treasurer of said company shall, before he enters upon the duties of his office, give bond with two or more sureties, in such penalty as the President and Directors may direct, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will when called on, pay the amount of money in his hands to the order of the President and Directors, and that he will perform the duties required of him by the company.

§ 5. That the President and Directors may let out any portion of said road to be paid for in stock of the company: *Provided*, It does not exceed the engineers estimate.

§ 6. That all towns, counties, corporations, and companies may, and they are hereby authorized, to take stock in said company, under such regulations as the President and Directors may order and direct.

§ 7. That the provisions of an act of the General Assembly of the Commonwealth of Kentucky, approved February 25th, 1848, entitled, an act to incorporate the Great Crossings and Stamping Ground Turnpike Road Company, so far as the same are not changed by this act, and are applicable, shall be the law governing the Georgetown and Long Lick Turnpike Road Company: *Provided*, That when damages are claimed by the proprietors of the lands through which the road shall pass, for right of way, &c., the same shall be tried and determined as provided in chapter 84 of the Revised Statutes, title Roads and Passways.

§ 8. That this act shall take effect from its passage.

Approved February 16, 1858.

When company organized.

Stock may be paid for in work

Corporations may take stock.

Another act made part of this.

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## CHAPTER 688.

AN ACT to incorporate the Springfield and Knob Lick Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:***Name and style.**

§ 1. That a company is hereby formed, under the name and style of the "Springfield and Knob Lick Turnpike Road Company," for the purpose of constructing an artificial road from the Springfield and Perryville Turnpike, where the Knob Lick road now branches from it, or the most practicable place nearest that point, to intersect the Lebanon and Maxville Turnpike at such point as may be considered best by the company.

**Capital stock.**

§ 2. That the capital stock of said company shall be fifteen thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Directors for the company may increase it to such an amount as they may deem necessary, and open subscription therefor in such manner as they may deem best.

**Commissioners.**

§ 3. Books for the subscription of stock in said company shall be opened on the — day of February, 1858, or as soon thereafter as may be convenient, at Springfield and such other places as may be necessary and best, under the direction of John R. Wharton, Augustus Cooper, John Simms, Jas. Edelen, L. Edelen, Arthur McKinny, — Arbour, Proctor McElroy, and Richard Parrott, or some two or more of them at each place, who are appointed Commissioners. The said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into an obligation in said book or books to pay to the President, Directors, and Company of the said road, the sum of fifty dollars for each and every share of stock set opposite to their names, at such times and in such amount as may be thought necessary by the President and Directors; and in case any person or persons wish to pay their stock, or any part of it, in work on said road, they shall append to their names, "to be paid in work on said road, at such times and such manner as may be prescribed by the President and Directors of the company, and at such valuation as made by the Superintendent or Engineer for the company."

**Width of road.**

§ 4. That the width of said road shall not be less than thirty nor more than forty feet wide, and the artificial part more than thirty nor less than twenty feet wide where the location will admit of it; and the metaled part not less than fifteen feet wide; and whenever two and a half or more continuous miles shall have been finished the company may erect a gate, and receive toll in proportion to the distance finished, as though five continuous

miles had been completed: *Provided further*, That whenever five thousand dollars shall have been subscribed to the capital stock, including, as part of that amount, any subscription in work or contract, the said company may proceed to organize: *Provided further*, That all the sections of an act, entitled, an act to incorporate the Lebanon and Maxville Turnpike Road Company, approved March 10, 1856, beginning at the fourth section to the eleventh section inclusive, are hereby incorporated and made part of this charter, with all the privileges, powers, rights and immunities therein contained, so far as applicable, except as may be changed or altered by this charter, as fully as if each section had been written out and adopted section by section as part of this act.

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Approved February 16, 1858.

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#### CHAPTER 689.

#### AN ACT to incorporate the Millersburg Male and Female Collegiate Institute.

Whereas, divers citizens in and near the town of Millersburg, in the county of Bourbon, have subscribed a considerable sum of money for the purpose of erecting, in or near said town, a Seminary of learning, to be under the control and supervision of the Kentucky Annual Conference of the Methodist Episcopal Church, South, to the extent hereinafter provided. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Wm. Nunn, Alex. S. Miller, Joseph Wallace, Geo. S. Savage, Harvey Rowland, and A. Robbins, and their successors in office, shall be and are hereby constituted a body politic and corporate, to be known by the name of the "Trustees of the Millersburg Male and Female Collegiate Institute;" and shall have perpetual succession, and a common seal, which they may alter at pleasure, and by the same may sue and be sued, in any of the courts of this Commonwealth, and may contract and be contracted with; and shall be capable of purchasing and holding, to them and their successors, any lands, tenements, goods, and chattels, and money which shall be purchased, given, granted, or devised to the use of said seminary: *Provided*, That they shall at no time hold real estate of greater value than fifty thousand dollars.

§ 2. Said Trustees shall have power, from time to time, to receive additional subscriptions and donations in aid of said seminary, and shall have power, at pleasure, to establish such by-laws, rules and regulations, not inconsistent with the laws and constitution of this State and the United States, as they shall deem necessary for the

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supervision and government of said seminary. A majority of all the Trustees actually voting shall concur in the election of a President, Treasurer, and Clerk of their board, and of Professors and Tutors in said seminary; and upon the death, resignation, or removal by the Board of Trustees, of any of said Professors or Tutors, the vacancy thereby produced, shall, in like manner, be filled by a majority of the Trustees actually voting. Said Professors and Trustees, with the concurrence and approval of a majority of said Trustees actually voting, shall have power to prescribe and regulate the course of studies to be pursued in said seminary or institute, and confer all the honors and degrees usually conferred by such institutions or the best colleges of the State.

§ 3. Said Trustees shall continue in office until their successors are appointed in the manner hereinafter provided, and have qualified; and their number shall then be increased to thirteen. The Quarterly Conference of the Millersburg Station of the said Methodist Church shall, at its meeting next preceding the sitting of the Kentucky Annual Conference of said Church, in each year, nominate and present to said Annual Conference the names of thirteen persons as Trustees for said Institute for the ensuing year, and the said Annual Conference approving, the said persons shall be the Trustees of said institute until their successors are in like manner appointed. The failure to nominate on the part of the Quarterly, or approval on the part of the Annual Conference, shall not vacate the office of the Trustees then holding, but they shall continue in office until their successors are duly appointed. If the Annual Conference should approve of some of the persons so nominated, and reject others, those who are so approved of, shall constitute the Board of Trustees, until the next meeting of Quarterly Conference, and it shall have power to fill any vacancies then existing in said board until the next meeting of the Annual Conference.

§ 4. All persons who shall subscribe twenty-five dollars or more in aid of said institute, shall be deemed stockholders therein, said sum to constitute a share. And if said Methodist Church shall ever relinquish or surrender, or cease to exercise a control over said institute, then and in that case its control and management shall revert to and vest in said stockholders, who may, at a meeting for that purpose called, proceed to elect a Board of Trustees. And if said corporation shall cease to exist, or be dissolved, or its charter surrendered or repealed, all its property of every kind or description, shall vest in said stockholders in proportion to their respective shares.

§ 5. That this act shall take effect from its passage, but the Legislature reserves the right to amend or repeal the same.

## CHAPTER 690.

AN ACT to incorporate Sharpsburg Lodge, No. 117, of Free and Accepted Masons.

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*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members of the Lodge No. 117, of Free and Accepted Masons, at Sharpsburg, in Bath county, be and they are hereby created a body politic and corporate, by the name and style of the "Sharpsburg Lodge, No. 117," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued upon all contracts hereafter to be made, or liability incurred; that any contract heretofore made by said Lodge, through an individual member thereof, be and the same is hereby legalized and may be sued on by said Lodge, and collected as contracts between individuals; of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said Lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real or personal estate as they may have or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the Master and Wardens, and their successors in office, as Trustees thereof, who, or a majority of them, shall have power to make all contracts pertaining to the real or personal estate of said Lodge, and service of notice or process on any two of said Trustees shall be sufficient notice to said corporation.

§ 3. That said Trustees named in the second section of this act shall hold their office until their successors are duly elected: *Provided*, That said Board of Trustees shall have power to fill vacancies in their own body, and pass such by-laws, rules, and regulations, not inconsistent with the laws of this State, as may be necessary to the management and safe-keeping of the property and other interests of the Lodge; and they may have and use a common seal, and change the same at pleasure; and in conveying real estate it shall be necessary for the whole Board of Trustees to join in such conveyances.

§ 4. The Legislature reserves to itself the right to change or repeal or alter or amend this act at pleasure.

§ 5. This act to take effect from its passage.

Approved February 16, 1858.

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## CHAPTER 691.

**AN ACT to incorporate the Stamping Ground and Lecompte's Run Turnpike Road Company.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Name and style.**

§ 1. That a company shall be formed, under the name and style of the "Stamping Ground and Lecompte's Run Turnpike Road Company," for the purpose of making a turnpike road from Stamping Ground to the foot of the ridge on Lecompte's Run, in Scott county.

**Capital stock.**

§ 2. That the capital stock of said company shall be eight thousand dollars, to be divided into shares of one hundred dollars each; and if it shall be ascertained that the capital stock is more or less than is sufficient to accomplish the object of this act, then the President and Directors may enlarge or diminish it to such an amount as may be necessary, and open subscriptions therefor in such manner as they may think proper.

**Commissioners.**

§ 3. That the books for the subscription of stock in said company shall be opened on the third Saturday in March, or as soon thereafter as convenient, at the town of Stamping Ground, under the direction of Andrew Calvert, William McMillan, Willis Roberts, Joseph Yates, John C. Bond, and Alexander Hamilton, or some two or more of them, who are appointed Commissioners to procure subscriptions of stock to said company; and they shall procure a book, and the subscribers to the stock of said company shall enter into the following obligation, to-wit:

**Obligation.**

"We, whose names are hereunto subscribed, promise to pay to the President, Directors, and Company of the Stamping Ground and Lecompte's Run Turnpike Road Company, the sum of one hundred dollars for each share of stock taken by us in said company, agreeably to an act of the General Assembly incorporating said company, at such times and in such proportions as the President and Directors may require. Witness our hands this — day of —, 18—." The Commissioners, or a majority of those acting, shall give notice by public advertisement, in writing, at four or more public places in Scott county, of the time and place of opening the books for the subscription of stock in said company, and that they will continue them open until the amount of stock is subscribed, or a sufficient amount for the completion of the road.

**When company organized.**

§ 4. That as soon as three thousand dollars shall be subscribed the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and six Directors, who shall hold their offices for one year, and until others are elected and duly qualified. That said President and Directors, before they enter upon the duties of their office, shall take an

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oath before some Justice of the Peace that they will faithfully perform the duties of their office, without favor or affection, according to the best of their judgment. That upon the qualification of the President and Directors they shall appoint a Secretary and Treasurer, and such other officers as they may deem necessary, who shall hold their offices for one year and until others are appointed. The Treasurer of said company shall, before he enters upon the duties of his office, give bond with sufficient security, payable to the President and Directors, in such penalty as they may require, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of money in his hands to the order of the President and Directors, and that he will perform the duties required of him by the company.

§ 5. That the President and Directors may let out any portion of said road to be paid for in stock of the company: *Provided*, It does not exceed the Engineer's estimate.

Stock may be paid for in work

§ 6. That all towns, counties, and corporations, be and they are hereby authorized, to take stock in said road, under such regulations as the President and Directors may order and direct.

Corporations may take stock.

§ 7. That the provisions of an act of the General Assembly of the Commonwealth of Kentucky, approved February 25th, 1848, entitled, an act to incorporate the Great Crossings and Stamping Ground Turnpike Road Company, as far as the same are not changed by this act, and are applicable, shall be the law governing the Stamping Ground and Lecompte's Run Turnpike Road Company: *Provided*, That when damages are claimed by the proprietors of the lands through which the road shall pass for the right of way, &c., the same shall be tried and determined as provided in chapter 84, of the Revised Statutes, title, "Roads and Passways."

Charter of another company made part of this.

§ 8. That when four miles of said road shall be completed the company may erect a toll-gate and charge tolls according to the rates laid down in the Revised Statutes, title, "Turnpike and Plank Roads."

When gate may be erected.

§ 9. This act shall take effect from its passage.

Approved February 16, 1858.

#### CHAPTER 692.

##### AN ACT for the benefit of Jesse Bayles.

Whereas, the General Assembly by an act, entitled, an act for the benefit of Jesse Bayles, approved March 10th, 1856, authorized said Bayles to institute a suit against the Trustees or Commissioners of the Lunatic Asylum at Lexington, for a claim asserted by said Bayles against the

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**State of Kentucky, for work done on said Asylum; and in pursuance of said act suit was brought, and a judgment recovered against said Commissioners for the sum of thirteen hundred and seven dollars and twenty-five cents and costs, and it is the duty of the Commonwealth to provide for the payment of said judgment. Therefore,**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of Public Accounts be and he is hereby authorized to issue his warrant upon the Treasurer for the amount of said judgment, principal, and costs, to be paid out of any money in the treasury not otherwise appropriated: *Provided however,* That before said warrant shall be issued there shall be filed with the Auditor a certified copy of the record of said suit, with the taxation of the costs endorsed thereon, together with a statement from the Attorney General that he does not consider the interest of the Commonwealth requires the prosecution of an appeal from said judgment.

Approved February 16, 1858.

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#### CHAPTER 693.

**AN ACT for the benefit of James Davis, of Union county.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the Union County Court to grant to James Davis, proprietor of the Chalybeate Springs in Union county, a license to erect a ten pin alley at said Springs.

§ 2. That said James Davis, proprietor of said Springs, shall, before said license is granted, execute a covenant, payable to the Commonwealth of Kentucky, in the sum of one thousand dollars, conditioned that no betting of any kind shall be done on any game in said ten pin alley, and shall pay a tax to the Clerk of the Union County Court of twenty-five dollars per year, which shall be accounted for by said Clerk as other revenue collected by him.

§ 3. That no license shall be granted under this act for a longer period than one year.

Approved February 16, 1858.

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#### CHAPTER 694.

**AN ACT for the benefit of the Maysville and Lexington Railroad Company, and for other purposes.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall and may be lawful for any number of the citizens of this State by themselves, or in conjunction

with citizens of other states, to associate themselves together for the purpose of completing and equipping that part of the Maysville and Lexington Railroad lying between the city of Maysville and the town of Paris.

§ 2. The persons who may thus associate themselves together, may organize by the appointment of five of their number as Directors of the association, one of whom shall be chosen as President. The said President and Directors shall have power and authority to obtain and hold, by purchase or otherwise, from the Maysville and Lexington Railroad Company, or from the owners of said road, all the chartered rights, privileges, franchises, and immunities held by said company or owners of, in, to, and over all that part of said road lying between the points aforesaid, and to receive a proper conveyance for the same.

§ 3. That after the said association shall have acquired the chartered privileges named in the second section of this act, they shall and are hereby declared to be a body politic and corporate, under the name and style of the "Central Kentucky and Virginia Railroad Company," and as such, and by that name, shall hold, use, exercise, and enjoy all the rights, privileges, franchises, and immunities granted to the Maysville and Lexington Railroad Company by its charter, and the several amendments thereto.

§ 4. They shall have power and authority, in their corporate name, at any time and place, in their discretion, after giving notice thereof in the newspapers published in the cities of Maysville and Lexington, for one month previous thereto, to open books and receive subscriptions of stock to said company from individuals, corporations, counties, cities, or towns; and to call for and collect the same in such manner and at such times as they may deem proper.

§ 5. They shall have power and authority to issue the bonds of the company for any sum necessary to complete and equip said road, between the points aforesaid, not exceeding one million of dollars, bearing an interest not exceeding seven per cent. per annum, payable semi-annually, the principal and interest of which bonds may be made payable at such time and at such place or places in the United States as may be designated in the bonds; and to secure the payment of the principal and interest of said bonds, may convey, by deed of trust or mortgage, the property, rights, and franchises of said company, with a power of sale upon a default in the payment of the principal or interest. The bonds may be sold by the company at such price or rate, and to such parties as they may agree. But the bonds thus authorized to be issued, and the stock which may be obtained by subscription as herein provided for, shall not, in the aggregate, exceed one million of dollars.

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§ 6. Said company shall have power and authority to obtain, by purchase or otherwise, from the Maysville and Big Sandy Railroad Company, all the corporate rights, franchises, privileges, and immunities granted to said company by its original charter and the amendments thereto, and receive a conveyance therefor, and shall, thereafter, hold, use, exercise, and enjoy the same as fully and completely as they are now held by the said Maysville and Big Sandy Railroad Company.

§ 7. Said company shall have power and authority to make all such contracts as they may deem proper and necessary for the completion and equipment of the road between Maysville and Paris, also all such contracts and business arrangements with other railroad companies as may be deemed beneficial to said company; and may, whenever they can do so, acquire the ownership of that part of the Maysville and Lexington Railroad lying between the town of Paris and city of Lexington.

§ 8. This act shall take effect from and after its passage.

Approved February 16, 1858.

#### CHAPTER 695.

AN ACT to incorporate the town of West Covington, in Kenton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Town boundaries, &c.

§ 1. That the town of West Covington, in the county of Kenton, be and the same is hereby established and incorporated, with the several streets and alleys and lots as respectfully laid and numbered, or may be laid out and numbered hereafter, with the limits hereinafter designated, to-wit: Beginning at a point where the centre of the Covington and Dry creek turnpike intersects the corporation of the city of Covington; thence with the corporation line of Covington south  $14\frac{1}{2}$ , east 53 poles, to a stake —Forrest line; thence with the same south 71, west 157 poles, to a beach stump; thence north 21, west  $64\frac{1}{2}$  poles, to a stake; thence north 12, west 138 poles, to a stake near the south line of a road; thence north  $12\frac{1}{2}$ , east 12 poles, to the centre of the aforesaid turnpike; thence up the centre of the same, as it meanders, 183 poles, to the beginning, containing  $124\frac{1}{2}$  acres. John Monaghan, George Stacy, William J. Woods, Andrew J. Kershaw, and John Sherick are hereby appointed Trustees for said town, from the first day of April, 1858, until their successors be duly elected and qualified. On the first Saturday of April, 1859, and every year thereafter, the qualified voters of said town shall meet and elect five Trustees for said town, at some place designated by the Trustees of said town, and under inspectors who shall be ap-

pointed by said Trustees, which inspectors shall be qualified voters, and shall, under oath, make their returns to the Town Clerk, who shall lay the same before the Trustees, and carefully preserve the said returns as records in his office. The Trustees shall be the exclusive judges of the qualifications of all officers, candidates, and returns of the inspectors; and if from any cause the officers returned electors shall not be deemed elected or eligible, or an election shall fail from any cause, the Trustees may order a new one. All elections shall be determined by a plurality of votes. The term of office of said Trustees shall be one year next after their election, or until their successors are duly qualified, and should a vacancy occur, said remaining Trustees may, by public notice ten days before the time by them designated, order an election to fill such vacancy; and said Trustees elect, pursuant to the provisions of this act, and those hereby appointed, shall, before they enter upon their duties of office, take an oath before some Justice of the Peace or Police Judge of the said Kenton county, truly and faithfully to perform the duties enjoined on them by law as Trustees; and the inhabitants included in the foregoing boundary are hereby created a body politic and corporate, with perpetual succession, by the name and style of the Town of West Covington; and in that name may contract and be contracted with, sue and be sued, in all courts and places whatsoever, and may have and use a corporate seal, and the same may alter and renew at pleasure.

Trustees to take oath.

§ 2. Said Trustees shall have power to assess and collect a poll tax on the legal tithables of said town, not exceeding fifty cents, and to levy and collect an *ad valorem* tax on all the real, personal, and mixed estate within said town, and also all other rights, credits, and *choses in action*, and whatever else now is, or from time to time may be, taxable by the revenue laws of this Commonwealth found or belonging to the inhabitants of said town, not to exceed twenty-five cents on each one hundred dollars worth of property or whatever is or may be taxed. Said Trustees shall have power to appoint annually an Assessor, who shall be sworn to the faithful and impartial discharge of his duty. It shall be the duty of said Assessor to make out and furnish to the Trustees, at such time as they may appoint, lists of the taxable estate of each individual in said town, as above mentioned, with the value attached thereto, and also a list of the lots, and the value thereof, which belong to individuals who do not reside in said town, with the value attached thereto.

Trustees—their powers, &c.

§ 3. They shall also have power to appoint a Collector annually to collect the taxes assessed by said Trustees in said town, who shall give bond and security to the Trustees of said town for the faithful discharge of all his du-

Assessor's duties.

Collector—the duties.

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Collector's fees.

ties as collector, and he shall have power if necessary, to collect and coerce the payment of all the taxes assessed by the Trustees of said town, by distress and sale of personal property, in the same manner that Sheriffs are authorized to do in collecting the county levy; and no personal property shall be exempt from said distress. In case no personal property can be found by the Collector, he shall then proceed to advertise and sell the real estate of the delinquent, in the same manner that Sheriffs are authorized to do in advertising and selling real estate by virtue of an execution, except that there shall be no valuations, and the property shall be sold on the premises in said town; and within six days thereafter the Collector shall make a full return of said sale, specifying therein a proper description of the property, the name of the owners, when known, and purchasers, the amount sold, and the time when sold, together with a copy of the advertisement, to the Town Clerk, who shall record the same in a book kept for that purpose and file away and carefully preserve the said proceedings among the papers of his office. The owners may have a right to redeem the real estate which may be thus sold by the Collector, at any time within one year, by paying or tendering to the purchaser the amount of his purchase money, together with all taxes and levies which have been subsequently levied thereon, and fifty per centum on said purchase money so paid; and when the purchaser shall be a non-resident of the town, or cannot be found, it shall be lawful for the Treasurer of the town to receive the money for which the property proposed to be redeemed was sold, adding the per cent. thereon which shall be as effectual in redeeming the property as if it had been paid to the purchaser. Upon the production of the certificate of sale by the purchaser or his assigns, the Treasurer shall pay over said money to him, taking a receipt for the same on the back thereof, which shall be handed over to the Town Clerk to be recorded in the same book in which the sales are recorded. The Collector, or his successors, shall make the deed to the purchaser of any real estate sold for taxes, which shall pass the title thereto, unless the same shall have been rendered. For such deed he shall be allowed two dollars, to be paid by the purchaser. Said deed, when so made, shall in all respects have the same legal force and effect as though made by a Sheriff under Sheriff sales under execution. For the collection of taxes the Collector shall be allowed seven per centum to be paid by the town and twenty-five cents for each certificate of sale of real estate, both fees to be taxed as costs and added to the tax bill. For insuring the payment of the taxes of said town a lien shall exist and is hereby given upon all property assessed, real and personal, from the first day of

January in each year until payment thereof, which shall not be invalidated or affected by subsequent incumbrances, transfers, or sales. The taxes shall be levied and become due at such time as the Trustees may, by ordinance, determine. And for the nonpayment of the taxes by the time they are so declared to be due, the said Trustees may add such per centum as they may deem proper, and collect the same in the same manner as the original tax levied.

§ 4. The said Trustees shall have power to pass all needful by-laws and ordinances for the due and effectual administration of right and justice in said town, within the jurisdiction of the Police Judge hereinafter provided for and for the better government thereof, they may affix such penalties for a violation of such ordinances, not exceeding fifty dollars, as they may deem the good order and welfare of the town shall require.

§ 5. The said Trustees shall have full power and authority to cause and procure all the streets and alleys, market-places and lanes in said city to be graded, paved, McAdamized, or turnpiked at the expense of said town, as a majority of said Trustees, at a regular or called meeting, may determine; and in the same manner cause such side-walks to be graded and paved, and with such materials and manner as they may determine; and they shall have power in like manner to keep the streets and side-walks in repair.

§ 6. The said Trustees shall have power to tax and license all taverns, houses of private entertainment, coffee houses, retailers, victualers, confectioners, houses of public resort: *Provided*, That all persons so licensed shall pay to the State the taxes now required by the laws of this Commonwealth; and said Trustees may, before a license for either of the above purposes, and by ordinance forbid the same being done, and collect such fines as they may fix for the violation of said ordinance.

§ 7. The said town of West Covington is hereby authorized and directed to establish, support, and maintain school sufficient to teach all the white children in said town between the ages of six and eighteen years, and the said Trustees are hereby empowered to purchase sufficient land, and to provide for the erection of a house sufficient to accommodate all the said children, and for general town purposes; and said Trustees shall fix by ordinance, all needful rules for the regulation of said school, and they shall have power to employ a teacher or teachers for the same, and pay him or them, and all other expenses for or on account of the institution or continuance of the same, out of the means of said town. Nothing shall be taught in said school except the usual branches of a common English education.

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May make by-laws, &amp;c.

Streets, &amp;c., may be graded.

May tax and license taverns.

Schools, &amp;c.

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Trustee's meeting, &amp;c.

§ 8. The Trustees shall, at their first meeting after appointment or election, choose from among their number a President of the Board, who shall hold his office until the next annual election, and whose duty it shall be to convene the Trustees from time to time, and preside at their meetings, and to sign all ordinances and by-laws by them passed and enacted. Said Trustees shall also, at the same time, appoint a Clerk, who shall continue in office for one year, or until another is duly appointed, whose duty it shall be to preserve all papers belonging to said board or town, or filed with him by order of said board; and shall attend the meetings thereof, record their proceedings in a book to be furnished by said board for the purpose, and sign the same as such Clerk; and shall copy and certify all records and ordinances, when required by said board or ordinance. The records of the proceedings of said Trustees, and all books or papers kept or filed in the office of the clerk of said town, are hereby declared to be public records, and copies thereof made out by the said Clerk shall be received and be considered as evidence in all courts and places where the original would be evidence; that the said Clerk shall be allowed the same fees for copies, orders, or records, or papers, as Clerks of the Circuit Courts of this Commonwealth, and to be paid by those ordering copies, for which he may issue fee bills, as Circuit Court Clerks are authorized to draw or retain the copies till payment therefor: *Provided*, That he shall not charge the town for copies ordered by the Trustees, or any officer or agent authorized to obtain copies for the use of the town.

Treasurer to be appointed.

§ 9. That said Trustees shall have power to appoint a Treasurer, who shall keep the funds of said town safely, and pay the same over by order of said Trustees to such person or persons, as he shall be directed by written order signed by the President of said Board of Trustees; and said Board of Trustees shall require bond and security of such Treasurer, conditioned for safe custody and payment of said funds; and for a breach of said bond, such legal proceedings may be had as upon bonds executed by the Sheriff for the collection of the revenue of the Commonwealth; and for a breach of the bond of the Collector, like proceedings may be had, and said Trustees may pay such officers such amount over.

Police Judge and Marshal to be elected, and duties, &amp;c.

§ 10. That there shall be elected for said town a Police Judge, and Town Marshal, on the first Monday of August, 1858, and the said Marshal shall have the same qualifications as Constables of this Commonwealth, and hold his office for the same length of time; and the Police Judge shall have the same qualifications and jurisdiction as Justice of the Peace, and hold his office for the same length of time that County Judges do, and be elected at the

1858.

same time. All persons in said town who have a right to vote for members of the General Assembly of this State, shall be competent electors for Trustees: *Provided*, They have resided in said town six months preceding said election of Police Judge and Marshal for said town. In case of a vacancy in either of said offices, said electors shall fill it by another election, ten days notice thereof having been given in writing by order of the Trustees, which notice shall be posted up in three or more of the most public places in said town. Said Judge shall enter upon his duties after receiving from said Trustees a certificate of his election: *Provided*, That he shall, before he enters upon the duties of his office, take such oath as may be required by the constitution and laws of this Commonwealth, of County Judges; and said Police Judge shall have jurisdiction of all cases, criminal as well as penal, which a Justice of the Peace now has or may have by the laws of this Commonwealth, where the offense was committed in said town. And he shall have exclusive jurisdiction of all offenses arising under the by-laws of said town, may issue process and enter up judgment, and issue executions accordingly.

§ 11. The cases arising under violation of any of the by-laws of said town shall be tried as soon as practicable and consistent with the right of the defendant, and procure witnesses and counsel, if he desires so to do. This court, for the trial of all cases other than under the ordinances of said town, shall be governed by the laws which govern Justices court in the district in which said town is situated; and he shall, in all respects, have the same powers that Justices have by the laws of this Commonwealth, and shall be entitled to the same fees for like services, and shall in the same manner be responsible for illegal fee bills made out and collected, and may commit offenders to the jail in Covington. That upon all judgments rendered by said Police Judge, either party shall have the right to appeal, in the same manner as parties have from the judgment of Justices of the Peace in similar cases.

Trials, &amp;c.

§ 12. That the Marshal shall serve all process and precepts to him directed by said Police Judge, and make due return thereof, and collect and receive all executions and other demands which may be put in his hands to collect, and account for and pay over the same to the person entitled thereto, under the same rules and regulations required by law of Constables in the collection of executions or other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceeding which may be had against Constables and their securities in similar cases. Said Marshal shall be entitled to the same fees as Constables for similar services.

Marshal shall  
serve process.

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*Fines and forfeitures.*

§ 13. All fines and forfeitures, in cases cognizable before said Police Judge, shall be collected and paid over by the collecting officer to the Treasurer of said town, for the use and benefit of said town, any laws to the contrary notwithstanding. All moneys collected by a judgment of a Justice of the Peace, or any other officer, for any violation of the penal laws of this Commonwealth within the limits of said town, shall be in like manner paid over to the Treasurer of said town.

*Clerk may be Collector.*

§ 14. The same person may be appointed to fill the offices of Clerk and Collector, or the Trustees may appoint the Marshal as the Collector of said town, and when so appointed he shall give bond and in all things conform to and be governed by the conditions herein imposed upon the Collector. The office of Clerk and Treasurer shall not be compatible.

Approved February 16, 1858.

## CHAPTER 697.

AN ACT for the benefit of Isaac Smith, late Sheriff of Barren county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the further time of two years, from and after the passage of this act, be allowed Isaac Smith, late Sheriff of Barren county, to collect his unpaid lists of fees and taxes, and that he have power and authority to distrain for the collection of the same, being liable for any violation of the laws in force regulating the collection of fees and taxes applicable to Sheriffs. This act shall be in force from the date of its passage.

Approved February 16, 1858.

## CHAPTER 698.

AN ACT to charter the Fifteenth Street Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Joshua F. Bullitt, James H. Dehnis, John W. White, Isham Henderson, B. H. Hornsby, and J. H. Nelson, their associates, successors, and assigns shall be and they are hereby created a body politic and corporate, with perpetual succession, for the purpose of constructing a turnpike road from any point in Fifteenth street, south of Prather street or Broadway, in Louisville, to any point in Jefferson county, in the direction of Salt river, with power to make a branch to the same, which branch shall connect with or cross either the Oakland turnpike or the

1858.

Louisville and Elizabethtown turnpike, under the name and style of the "Fifteenth street Turnpike Road Company," and by that name and style shall have power and authority to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law or equity and elsewhere, and to have and use a common seal, and the same to alter or renew at pleasure, and to make all by-laws that shall be deemed proper for the government of the affairs of the company, not inconsistent with the constitution and laws of the Commonwealth.

§ 2. The capital stock of said company shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each.

§ 3. The affairs of the company shall be managed by a President and four Directors, who shall be stockholders, and chosen at such times and places as the by-laws may direct.

§ 4. The company may be organized by the election of President and Directors whenever a sufficient amount of stock has been subscribed to justify, in the opinion of a majority of the corporators named in section first, the organization of the company.

§ 5. The company may acquire by purchase or condemnation the fee simple title in the route of the road not exceeding seventy-five feet in width, and in the grounds necessary for toll-houses not exceeding two acres for each.

§ 6. Said road may be either simply graded or graded and McAdamized, or planked, or graveled, in the discretion of the directory.

§ 7. Said company may charge such toll upon their road, for each five miles, or less that may be finished from time to time, as they may fix by their by-laws, not exceeding the amounts authorized by law to be charged on any other turnpike leading out of the city of Louisville.

§ 8. Said company may declare dividends out of the net profits of the company.

§ 9. Said company may consolidate with any other company or companies with whose road or roads theirs may connect, upon such terms as may be agreed upon.

§ 10. The mode of condemning any property needed by the company may be such as any other company whose road leads out of Louisville is authorized by law to adopt.

Approved February 16, 1858.

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## CHAPTER 699.

AN ACT to create an additional Justices' and Election District in Laurel county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the passage of this act all that part of Laurel county, within the following boundary, shall constitute a Justices' and Election District, to-wit: beginning at Wood's creek, where the London district crosses said creek; thence with the London district to the head waters of the south fork of White Oak creek, upon which James Adams' mill is; thence down said creek to the fork of the same, below John Hash's; thence crossing the ridge to main White Oak creek, so as to include all the lands of John C. Brown; thence down said creek to Rockcastle river; thence up the river with the same, so far as to include William Brown; thence to Merit's rock-house; thence to Wood's creek, so as to include John Crane, and to Camper's Mill; thence up Wood's creek, on the north side, so as to include John Robinson, and James and Grandison McFarland, to the beginning; and the place of voting in said district shall be at Henry Hall's, near the "Stepping Rock," on the Pulaski road.

§ 2. That the qualified voters in said district shall, at the August election, 1858, proceed to elect two Justices of the Peace and one Constable, to serve until their successors shall be elected and qualified, after the May election, 1859: *Provided however*, That should there be one or more Justices in the district hereby created, and one or more Constables, their offices shall not be vacated by the establishment of this district, but they shall hold their offices in like manner as though this district had not been created; and the voters therein shall only have power to fill any vacancy as to Justice or Constable to which said district would be entitled. And the Laurel County Court shall fill any such vacancy in any other district, for the time being, which may occur from the creation of this.

Approved February 16, 1858.

## CHAPTER 700.

AN ACT to incorporate the town of Cromwell, in Ohio county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all that part of Ohio county, beginning on Shield's corner, on the bank of Green river, thence north  $7\frac{1}{2}$  poles, with said Shields' line to J. P. C. Norman's corner on said line; thence north 76, west 243 poles, with said Norman's line to a beech corner to B. Austin's

lot; thence with a line of said Austins north 85, west 664 feet, to a stake in Plummer's line; thence south 30, west — poles, with said line to his corner, on the bank of Green river; thence up the river to the beginning, now known as the town of Cromwell, be and the same is hereby declared a town by the name of Cromwell.

§ 2. That David Sandefer, J. P. C. Norman, Zadock Harris, Oliver C. Porter, and James Shanks, be and they are hereby appointed Trustees of said town, who shall have the same power and authority that Trustees of other towns in this Commonwealth possess under the general laws regulating towns; and all rights, privileges, and immunities that may, by the general laws regulating towns, be conferred, are hereby conferred on said town of Cromwell.

§ 3. That it shall be lawful for the free white male citizens of said town, of the age of twenty-one years and over, who are legal voters of Ohio county, annually to elect five Trustees for the government of said town; the first election to be held on the first Monday in June, 1858, and on the same day in each year thereafter, until which time the present Trustees (herein appointed,) shall remain in office, and until their successors are duly qualified.

§ 4. That said Trustees shall have power to fill vacancies which may occur in their body, until the regular election; they may make such by-laws for the good government of said town as they may deem necessary, not inconsistent with the constitution and laws of this State; and they shall keep a fair record of their proceedings as Trustees; and before they enter upon their duties they shall take an oath, before some Justice of the Peace of said county, faithfully to discharge the duties of their offices.

§ 5. This act shall take effect from its passage.

Approved February 16, 1858.

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#### CHAPTER 701.

#### AN ACT authorizing the disposition of certain books in the Surveyor's office of Whitley county.

Whereas, It appears that by an act of the General Assembly of this Commonwealth, approved February 11th, 1854, authorizing William C. Gillis to transcribe certain records in the Surveyor's office of Whitley county, and by an order of the Whitley County Court in ordering said transcript as directed by said act, the larger portion of the records of said office were by said court ordered to be transcribed. Therefore,

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*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That when said transcript shall have been completed and certified according to the provisions of the act authorizing the transcript, the said William C. Gillis shall, upon his giving bond in the County Court of Whitley, for the safe keeping and proper protection of the books so transcribed, be permitted to retain possession of the same, upon the conditions which follow, and which shall be stipulated in his bond, to-wit: That he shall not remove them out of said county; that they shall at all times be subject to the order of the County Court, which shall have power at any term of said court to order the delivery of said books by the said Gillis, to the Surveyor of said county: *Provided however*, That said court shall, before making such order, have served on the said Gillis ten days notice of the intended order.

Approved February 16, 1858.

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#### CHAPTER 702.

**AN ACT creating an additional voting and Justices' District in Owsley county.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there shall be and is hereby established an additional voting place and precinct in the Proctor district in Owsley county. The place of voting shall be in the town of Beatyville, and the boundary of the district hereby established shall embrace all that portion of the Proctor district which lies north of the Kentucky river; and officers of election shall hereafter be appointed by the Owsley County Court, for the election precinct hereby created.

§ 2. That the same shall constitute a Magistrates' and Constable's district, and the qualified voters therein shall, at the next general election, elect two Justices of the Peace and one Constable, to hold their offices until the first Saturday in May, 1859, and until their successors are qualified: *Provided however*, If there be any Justice or Constable residing in said district, he or they shall not vacate his or their office by the passage of this act; and the qualified voters in said district shall only have power to fill any vacancy that may exist in said district in either of said offices.

§ 3. This act shall be in force from its passage.

Approved February 16, 1858.

## CHAPTER 703.

AN ACT to amend an act incorporating the town of Murray, Calloway county.

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*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the passage of this act, the Trustees of the town of Murray shall have power and authority to grant coffee house license, and tax the same in a sum not less than seventy-five dollars, nor more than one hundred and fifty dollars; and it shall be the duty of said Trustees, as soon after the passage of this act as may be, to fix amount of tax as aforesaid by an order on the record of said town, and on the first day of January of each year the tax for the ensuing year, and upon presentation and payment of the tax so fixed, by any person or persons, a license to keep a coffee house for one year shall be issued and signed by the Chairman, and countersigned by the Clerk of the board: *Provided*, That on granting such license the applicant or applicants shall take an oath before the County Judge or Police Judge of said town, that he will not, during the period his license remains in force, sell or give, or cause to be sold or given, to any slave of which he is not the owner and possessor, or which is not in his employ by contract, the person having the rightful authority to hire the slave, any wine, brandy, whiskey, or other spirituous liquors, or a mixture thereof, without an order in writing from the person owning or having authority over such slave for the time being; and for a violation of such oath, the offender shall be subject to all the penalties prescribed by law.

Trustees may  
license coffee-  
houses, &c.

§ 2. That a Police Court be and the same is hereby established in the town of Murray, in Calloway county, which court shall consist of a Judge and Marshal, who shall be elected by the qualified voters of said town at the time, and in manner prescribed by law.

Police Court  
established.

§ 4. In case of a tie the same shall be decided in the same manner, and under the same rules and regulations, as now prescribed by law in relation to a tie vote for County Judge; and all vacancies in either of said offices of Police Judge and Marshal shall be filled, until the regular election, by the County Judge of Calloway county.

§ 4. The said Police Judge and Marshal shall reside and keep their offices within the limits of said town; and the Judge shall be commissioned by the Governor; and each of them shall, before he enters upon the duties of his office, take the oaths prescribed by the constitution and laws, which oaths may be administered by any officer authorized to administer oaths.

Where Police  
Judge and Mar-  
shal to keep of-  
fice.

§ 5. The Marshal shall, at the first County Court of Calloway county after he shall have received his certificate of election, enter into bond with good security, payable

Marshal to give  
bond.

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to the Commonwealth, conditioned to discharge faithfully and impartially all the duties required of him by law; and may be sued upon from time to time by any person feeling himself aggrieved; said bond shall be kept and filed away in the County Court Clerk's Office by the Clerk thereof.

Qualifications of  
Judge & Marshal

§ 6. The Police Judge shall have the same qualifications of a Justice of the Peace, and the Marshal of a Constable, and each may be removed by judgment of the Circuit Court, upon presentment of the Grand Jury for malfeasance in office, subject to an appeal to the Court of Appeals. Said Police Court shall have jurisdiction of all violations of the by-laws and ordinances of said town, and shall also have the same jurisdiction of all cases, civil and penal, within the limits of said town, as Justices of the Peace now have, and shall have the same fees as Justices of the Peace. The Police Judge shall also have power to issue attachments and injunctions in the same manner and under the same regulations prescribed by the Code of Practice.

§ 7. The Marshal shall exercise the same power now granted by law to Constables, and be entitled to the same fees for similar services. Appeals from said Police Court shall be had to the County Court and Quarterly Courts, under the same rules and regulations as now given in appeals from Justices Courts.

Shall deliver  
books, &c., to  
their successors.

§ 8. That the said Police Judge and Marshal shall each deliver over to his successor, any books or papers pertaining to each office. The Marshal shall execute all process of said court when directed to him, or he may execute process directed to him by any Judge or Justice of the Peace for said county. The Police Judge may, for good cause, direct the process to any Constable or Sheriff of said county, who shall execute the same.

Time of election

§ 9. The first election of Police Judge and Marshal shall be on the day prescribed by the constitution and laws, and the person then elected to said offices shall continue in office until their successors are elected and qualified.

How taxes, fines,  
&c., to be ap-  
propriated.

§ 10. The taxes collected from coffee house license, together with all the fines and forfeitures imposed by said judge for violation of law, shall be appropriated to the improvement of the streets of said town, and the purchase and improvement of a public burying ground for said town.

§ 2. This act shall take effect from its passage.

Approved February 16, 1858.

## CHAPTER 704.

1858.

AN ACT for the benefit of the Rockbridge Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Henry H. Hancock, Henry Y. Offut, William Cardwell, John Shindler, and L. D. Wright, and all who may be subscribers of stock to the road hereinafter provided for, shall be and they are hereby created a body politic and corporate, with perpetual succession, for the purpose of constructing a turnpike road from the Mt. Eden and Shelbyville turnpike road to Rockbridge Meeting house, in Shelby county, to intersect the Mt. Eden and Shelbyville turnpike road at the first toll-gate south of Shelbyville, on said road, and to be known and designated by the name and style of the "Rockbridge Turnpike Road Company;" and by that name and style shall have power and authority to contract and be contracted with, to sue and be sued, plead and be impleaded, in all courts of law or equity and elsewhere; and to have and use a common seal, and the same to alter and renew at pleasure; and to make all by-laws that shall be deemed proper for the purpose of governing the affairs of the company, and regulate the conduct and business of its officers and agents, not however inconsistent with the laws and constitution of the State.

§ 2. The management of the affairs and prudential concerns of the corporation shall be under the control and direction of a President and four Managers, who shall be stockholders, and chosen by the stockholders at such time and place as they shall direct by their by-laws; and each share of stock shall entitle the holder to one vote; the form of the certificate of stock, and the manner of issuing and transferring the same, shall be regulated by the by-laws of the company; and the shares shall be personal estate.

§ 3. The persons named in this act, or any three of them, shall have power and authority to receive subscription of stock; and when three thousand dollars shall have been subscribed, they shall hold an election, after giving ten days notice in some newspaper published in Shelbyville, for a President and four Managers, who shall hold their offices for one year, and until others are chosen.

§ 4. The capital stock of this company shall be as many shares, of fifty dollars each, as will make said road.

§ 5. As soon after the company shall have been organized as practicable the President and Managers shall proceed to locate and determine the route for said road, by appointing a committee of three of the stockholders and a competent Engineer, whose duty it shall be to examine the grounds, and ascertain the best route for said road commencing at the first toll-gate southeast of Shelbyville,

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on the Mt. Eden and Shelbyville turnpike road, running thence over the most practicable route to Rockbridge Meeting house.

§ 6. In the construction of the said road the company shall be subject to the rules and regulations prescribed in the Revised Statutes with reference to Turnpike and Plank Roads, and shall receive such tolls on their road as are therein prescribed for such roads: *Provided however,* That the company may, whenever two and a half consecutive miles of road are finished, erect a half gate for tolls.

§ 7. The company shall have the right to acquire and hold the route of said road, and appurtenant grounds for toll-houses, not exceeding one acre.

§ 8. The company shall have the same right to obtain the lands required for the route of said road, and the erection of toll-gates, and the material for its construction, that similar companies, organized under the general law contained in chapter CIII of the Revised Statutes, have, and shall, in all respects, in this particular, be governed by the rules and regulations prescribed in said chapter.

Approved February 16, 1858.

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#### CHAPTER 705

AN ACT creating an additional election precinct in Harlan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That all that part of Harlan county within the following boundary shall hereafter constitute a voting precinct, to-wit: Including all the waters of the Clear fork of Yellow, up to and including Esau Perciful; including all the waters of Crane creek; and including Samuel and George Hargis on Main Yellow creek; thence with the Knox and Harlan county line to Cumberland Gap. The place of voting to be at the old pine field, near Jackson Barnett's. This act shall be in force from the date of its passage.

Approved February 16, 1858.

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#### CHAPTER 706.

AN ACT for the benefit of the Owen County Court.

Whereas, The Owen County Court has incurred an indebtedness, beyond the present means of the county, for the erection of a court house and clerk's offices. Therefore.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Owen County Court, a majority of all the Justices of said county being present and concurring, be and the same is hereby authorized and empowered to make a loan or loans, not exceeding in the aggregate four thousand dollars, at an annual interest not exceeding ten per cent. per annum, the interest of which to be paid annually, with a proviso that the entire loan or loans shall be paid in full within ten years from the time such loan or loans shall be made. And all loans made by virtue of this act shall be binding on the county.

§ 2. This act shall take effect from its passage.

Approved February 16, 1858.

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#### CHAPTER 707.

**AN ACT** for the benefit of Woolery G. Eversol, of Perry county.

Whereas, heretofore 'a patent issued to Woolery G. Eversol, for fifteen hundred acres of land in Perry county, and doubts existing as to the legality of the title for all except two hundred acres of said grant. Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That said survey and patent be and the same are hereby legalized: *Provided however,* That nothing in this act shall be construed so as to affect any title or vested rights of others.

Approved February 16, 1858.

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#### CHAPTER 708.

**AN ACT** for the benefit of George Stivers, Sr., of Clay, and Nicholas Combs, of Perry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the further time of two years, from and after the passage of this act, be allowed George Stivers, Sen., of Clay county, to collect his arrearages of fees and taxes due to him and unpaid, as acting Sheriff of Clay county; also, to list and collect his unpaid fees as County and Circuit Court Clerk of Clay.

§ 2. That the further time of two years be allowed Nicholas Combs, late Sheriff of Perry county, to collect his unpaid list of Sheriff's fees and taxes due him as Sheriff aforesaid. And that the said George Stivers, Sr., of Clay county, and the said Nicholas Combs, of Perry county, shall be liable to all the pains and penalties, attach-

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ing to such officers for issuing any illegal fee bill; and that officers distraining for the collection of such fees or taxes, shall be liable for any illegal act, in the same manner as such officers are for the collection of like fees, or taxes as now provided by law.

§ 3. This act shall take effect from the date of its passage.

Approved February 16, 1858.

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#### CHAPTER 709.

AN ACT to amend the charter of the Providence Mining and Manufacturing and Shipping Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the company shall have power to consolidate with any coal or manufacturing company or companies in the counties of Hopkins, Union, or Crittenden, and to connect their railroad with any railroad in or out of Kentucky, upon such terms as they shall agree.

§ 2. That said company shall have the same powers and privileges extended to them that the Henderson and Nashville Railroad now has by law.

§ 3. That the capital stock of the Providence Mining, Manufacturing and Shipping Company may be increased, by a vote of two-thirds of all the stockholders, from time to time, any sum not exceeding five millions dollars, (\$5,000,000.)

§ 3. This act to take effect from its passage.

Approved February 16, 1858.

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#### CHAPTER 710.

AN ACT to incorporate the Russellville and Logan county Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Dr. James B. Bowling, Aaron Burr, Eli Orn-dorff, Richard C. Duncan, John Grubbs, Geo. W. Hite, Thomas G. Gboch, Wm. T. Evans, Dr. J. R. Bailey, E. O. Hawkins, David King, Robert Browder, Randolph H. Caldwell, George D. Blakey, Anthony F. Long, F. G. Harvey, Jas. B. Evans, R. C. Bowling, and Geo. T. Edwards, he and they are hereby appointed Commissioners, under the direction of any two of whom subscription may be received to the capital stock of the Russellville and Logan county Railroad Company, hereby incorporated; such books to be opened at such times and places; and upon

such notices thereof, as they may deem right and proper: *Provided*, That any vacancy in the Board of Commissioners by death, resignation, or failure to act may be filled by the remaining members, or a majority thereof.

§ 2. That as soon as four hundred shares of stock shall be subscribed the subscribers of said stock, their successors and assigns, shall be and they are hereby incorporated into a company, by the name and style of the "Russellville and Logan county Railroad Company;" and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying real and personal estate, so far as the same may be necessary for the purposes of this incorporating act; and shall have perpetual succession; and by said corporate name may sue and be sued; may have and use a common seal and alter, abolish, or renew the same at pleasure; and have and exercise all the powers, rights, and privileges which incorporated bodies may lawfully do for the purposes contemplated in this act.

§ 3. That at every such subscription of stock there shall be paid, at the time of subscribing, to said Commissioners, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments, and at such times, as may be required by the President and Directors of said company: *Provided*, No payment shall be demanded until at least twenty days notice of such demand shall be published, and not more than ten per cent of the amount subscribed be called for at any one time; and if any subscriber shall fail, neglect, or refuse to pay any installment or part of subscriptions demanded in accordance with the provisions of this section, for the space of sixty days next after the same shall be due and payable, the stock on which it is demanded shall be forfeited to said company, and may be sold for the benefit of the company; but the President and Directors may remit such forfeiture on such terms as they may deem proper.

§ 4. The capital stock of said company shall be not more than five hundred thousand dollars, in shares of twenty-five dollars each, which may be subscribed for by any individual or corporation, and shall be deemed and considered as personal property.

§ 5. That at the expiration of twenty days from the time of opening said books, if four hundred shares of the capital stock shall have been subscribed, or as soon as the same shall be subscribed, it shall be the duty of said Commissioners, or a majority of them, to call a general meeting of the stockholders, at such time and place as they may appoint, giving a reasonable notice thereof in such manner as may be deemed best; and at such meeting said Commissioners shall lay the subscription books before the subscribers then present, and thereupon said

Corporate name and style.

Powers, &c.

Calls on stock.

Capital stock.

Meetings may be called.

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subscribers, or a majority of them present, shall, from among the stockholders, elect seven Directors by ballot, to manage the affairs of said company; and the Directors so elected, or a majority of them, shall have power to elect a President of said company, either from their own number or any other stockholder, and of allowing him such compensation for his services as they may deem right; and in elections of officers, and all other occasions when a vote of stockholders is required, each stockholder shall have one vote for every share of stock owned by said stockholder; and every stockholder may, in writing, depute any other person to vote for him, her, or it, as his, her, or its proxy; and the Commissioners aforesaid, or any three or more of them, shall be the judges of said first election of Directors.

Corporate pow-  
ers.

§ 6. That said company is hereby invested with all the rights and powers necessary for the construction and maintenance of a railroad from Russellville to some point on the Tennessee and Kentucky State line, to be determined by the President and Directors of said company, in a southern or southeastern direction; and said company is hereby authorized and empowered to locate, construct, and finally complete a single, double, or treble railroad or way from some suitable point in Russellville, Ky., in said direction through or near Adairsville, Logan county, Ky., to the State line, in the direction towards Springfield, Tenn., on such route as may by them be deemed most expedient and best. And the said company may transport, take, and carry, persons and property upon said railroad or way, by the power of steam or any other mechanical or other force, or any combination of them which they may choose to apply in the manner therein provided. And may for the purpose aforesaid, and for the making or repairing of the same, either by themselves or agents, contract, enter upon, use, and excavate any land which may be needed for the site of said road, or the location of buildings necessary to said road, or for any other purpose necessary to the building or repair of said road or its works, or to their maintenance; may build bridges, fix scales and weights, lay rails, and take and use earth, gravel, stone, timber, or other materials necessary for the purposes aforesaid, and may construct and make all such works as may be necessary or expedient to complete and carry on the said road; with permission to make any lawful contract with any other railroad corporation or other corporation in relation to the business of said company, and also to make joint stock with any such corporation: *Provided*, That all damages that may be occasioned to any person or corporation, by the taking of any land or materials aforesaid for the said purposes, shall be paid for by said company in the manner hereinafter provided.

§ 7. That the provisions of an act, entitled, an act to incorporate the Russellville, Elkton, Hopkinsville and Paducah Railroad Company, approved March 6th, 1856, so far as the same are not inconsistent with this act, and so far as the same may be applicable, be and the same are hereby adopted as parts of this act as fully and completely as if the same were incorporated herein.

1858.

§ 8. That the Chairman and Board of Trustees of the town of Russellville are hereby authorized to subscribe a sum not exceeding the sum of fifty thousand dollars, on behalf of said town, to the capital stock of said company, in bonds due in five equal annual instalments: *Provided*, That before such subscription shall be made, a majority of the board shall concur therein: *And, provided further*, That before such subscription shall be made, the question of such subscription shall be submitted to the qualified voters of said town, upon application, in writing, of the President and Directors of said company, or a majority thereof, at an election directed and held by said Chairman and Trustees, advertised in the manner and with the notice required by the 13th section of the charter of the Barren County Railroad Company, approved on the 9th February, 1856; and unless a majority of said voters shall vote in favor of such subscription it shall not be made.

Trustees of Russellville may take stock.

§ 9. That the Logan County Court, the Presiding Judge and a majority of the Justices of the court concurring, shall be and are hereby authorized to subscribe in behalf of said county, to the capital stock of said company a sum not exceeding one hundred thousand dollars, either in cash, or partly in cash and bonds, or wholly in the bonds of said county: *Provided*, That before the same shall be made, it shall be the duty of the said court, or a majority thereof, upon the application, in writing, of the President and Directors of said company, or a majority thereof, to submit the question of such subscription to the legally qualified voters of said county, at some election directed and held in said county by order of the said court, advertised in the most public manner at least thirty days before the said election; and unless a majority of the legally qualified voters of said county shall vote therefor it shall not be made.

County Court may take stock.

§ 10. That the same steps shall be taken to hold the election in said town, ascertaining the result thereof, and to carry out the subscription of said town, as are required to be held by the charter of the Barren County Company as far as applicable, and that before or at the time of such subscription, provision shall be made for the payment of the interest on the bonds issued by said Chairman and Trustees until the same become due, and for the payment of the principal when due.

Vote to be taken in Russellville.

§ 11. That the same steps shall be adopted and carried out for the purpose of holding the election, ascertaining

Vote to be taken in Logan county.

1858.

the result, securing the subscription, and all other necessary means of carrying out the objects of this act, as are prescribed in the amendment to the charter of the Louisville and Nashville Railroad Company authorizing the vote to be taken for the subscription of said Logan County Court to the Memphis branch of the said road, as far as the same may be applicable, and in all other respects the same course shall be pursued to carry out the subscription to this road as are therein required, and for the collection of the same: *Provided*, That before or at the time of such subscription provision shall be made for the payment of the interest to be paid on the bonds issued by the court until due, and for the payment of the bonds when due.

Approved February 16, 1858.

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#### CHAPTER 711.

AN ACT to increase the jurisdiction of the Police Judge and Marshal of Ghent.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Police Judge and Marshal of the town of Ghent, in Carroll county, shall have the same jurisdiction that Justices of the Peace and Constables of said county now have.

§ 2. This act to take effect from its passage.

Approved February 16, 1858.

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#### CHAPTER 712.

AN ACT for the benefit of J. R. Botts, of Carter county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. R. Botts, of Carter county, be allowed the sum of twenty-five dollars and sixty-five cents for tolls paid, mileage and services rendered, in conveying Larkin Dawson, a lunatic, to the asylum at Lexington; and the Auditor of Public Accounts is hereby directed to issue his warrant on the Treasurer in favor of said J. R. Botts for said amount.

§ 2. This act shall take effect and be in force from its passage.

Approved February 16, 1858.

## CHAPTER 713.

1858.

AN ACT to incorporate the great South fork Cumberland river, Nashville Iron, Coal and Lumber Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That E. L. Vanwinkle, D. R. Haggard, Alexr. R. McKee, and Joseph S. Bledsoe, and those who may be associated with them, be and they are hereby constituted a body corporate, under the style aforesaid, with power to sue and be sued, plead and be impleaded, contract and be contracted with; may have perpetual succession, and have a common seal; may purchase and hold such real and personal estate as they may deem necessary, for carrying on the business of the corporation, and the same sell or dispose of at pleasure, and make all needful by-laws, for their government, not inconsistent with the laws of this Commonwealth or of the United States.

§ 2. That said company shall have full power and authority to remove all rocks or other impediments to navigation, in the State of Kentucky, which are now or may occur in the great South fork of Cumberland river, and to build any locks and dams on said great South fork necessary for their works, or to further the navigation of said river; the said river is hereby declared a navigable stream, subject only to the provisions of this charter.

§ 3. That the capital stock of said company shall consist of ten thousand shares of fifty dollars each, with the privilege of increasing the same to twenty thousand shares of fifty dollars each.

§ 4. The affairs of said company shall be managed by a President and five Directors, to be chosen by the stockholders, and shall hold their office for one year, and until their successors are elected; each stockholder shall be entitled to one vote for each share of stock owned by him, and vote in person or by proxy; said President and Directors shall elect a Secretary to keep the books of the company, and appoint such other officers and agents as they may deem proper, making such compensation as they may deem fit and just. Three Directors may constitute a quorum to do business; dividends may be declared annually, at which time the President and Directors shall make out and submit to the stockholders a full and fair report of the transactions and affairs of the company; if any subscriber of stock shall fail to pay any part of his stock the same may be recovered by action of debt in any court of record having jurisdiction of similar sums, or declared to be forfeited as the Board of Directors may prescribe.

§ 5. That said company is authorized to mine coal, oil, manufacture salt and other minerals, lumber, and iron, and purchase and sell lumber, iron, iron ore, timber, coal,

corporation.

corporate pow-  
er.

Capital stock.

Officers to be  
elected.

Quorum, &amp;c.

Business of  
company.

1858.

or other fuel and oil, and other minerals, to the full amount of the stock of said company; and when said company shall have deposited on the banks of the South fork of Cumberland river fifty thousand bushels of coal they may sell the same in quantities not less than five dollars, and deliver to the purchaser or purchasers certificates of purchase, entitling the holder of the same to receive at the office of the company, or at the banks of the river, coal, lumber, iron, or salt to the amount of his purchase: *Provided*, Said certificates shall express at what office of the company, or what deposit on the bank of the river, said certificate shall be payable.

*Certificates to be issued.*

§ 6. That the certificates issued as above prescribed shall be presented at the office, or one of the offices of the said company, within two years from the date of the same; the said certificates are hereby made transferable; and if presented within two years if said company shall fail or refuse to pay them in coal, iron, lumber, or salt, as the case may be, or in current money, they shall be liable to pay the same in gold or silver with ten per cent. interest or forfeit this charter.

*Shall be organised in 2 years.*

§ 7. *Provided*, That said company shall organize under this act within two years after its passage, and commence, in good faith, the improvement of the above named stream; and they are required to complete the same as soon as practicable next thereafter.

Approved February 16, 1858.

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#### CHAPTER 714.

AN ACT to amend the laws authorizing Hardin county to take stock in the Louisville and Nashville Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the Judge of the Hardin County Court, as soon as the levy is made in said county for the tax to pay the interest on the railroad bonds of said county, to appoint some fit person to make out all the railroad receipts for taxes in the county, and then to advertise for all persons in the county owing tax to come forward and pay their taxes to the said Commissioner before the first day of September in each and every year; and that all persons availing themselves of the privilege of so paying, shall be entitled to a deduction of four per cent. on the amount of their tax.

§ 2. That it shall be the duty of said Commissioner, by the 10th day of September in each year, to list with the Sheriff of Hardin county, all the lists of taxes not paid, which lists it shall be the duty of the Sheriff to collect and account for by the first day of March following, to the

Treasurer of the Sinking Fund for said county, and as commission the said Sheriff shall add on each tax list six per cent. on the amount to collect.

1858.

§ 3. That the Commissioner, so appointed to make out and collect tax receipts, shall be entitled to one per cent. for receiving and paying over, and such further allowance as the County Judge may deem sufficient for listing and making out tax receipts: *And it is provided*, That before the Commissioner to be appointed under this act shall proceed to perform the duties assigned him, shall give bond with such security as may be approved of by the court, for the faithful performance of his duty, and that he will pay over such money as he may collect to the Treasurer of the Sinking Fund, and may retain his commission. And nothing in this act shall make the two offices incompatible: *And it is provided*, That nothing in this act shall prohibit the Judge of the Hardin County Court from causing the Sheriff of said county to collect the railroad tax on an agreed commission, according to the law in force previous to this act, leaving it at the option of the County Judge to adopt either mode of collection; and in case the Judge shall adopt the plan of appointing a Commissioner, as herein directed, then, if he deems it proper, he may allow the Sheriff a further compensation than is here provided for collecting the remnant if it shall appear proper to him.

Approved February 16, 1858.

#### CHAPTER 715.

AN ACT to incorporate the Harrodsburg, Keene, and South Elkhorn Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company shall be and is hereby incorporated, for the purpose of constructing a turnpike road from a point near Rennick's blacksmith shop, where the Versailles and Harrodsburg turnpike road intersects the "Shawnee Run road," in Jessamine county, on the most convenient and direct route through the town of Keene, in said county, to the Lexington and Harrodsburg road at South Elkhorn; the capital stock of twenty-five thousand dollars, which may be increased from time to time by additional subscriptions, in the manner and form that the President and Directors of said company may direct, if the enlargement shall be found necessary to complete said road.

Company incorporated.

§ 2. Books of subscription for stock in said company shall be opened in the town of Keene on the first Monday in April next, or any other day to be named by the

Capital stock

Commissioners.

1858.

**Commissioners.** Jeremiah V. Munday, John B. Hughes, Silas Mahin, George Cleaveland, Whittington Haydon, and Oliver D. Bryant, be and they are hereby appointed Commissioners, any two of whom may act; and the subscribers of stock in said company shall enter into an obligation to pay to the President and Directors thereof, the sum of one hundred dollars for each share of stock subscribed, in such manner, and at such times, as shall be required. The Commissioners shall permit any person of age to subscribe for stock therein. The County Court of Jessamine, and the Trustees of the town of Keene, are hereby authorized to subscribe for any number of shares of stock in said road.

**When company to be organized.**

§ 3. That when fifty shares of capital stock of said company shall have been subscribed, the Commissioners aforesaid, or any two of them, shall call a meeting of the subscribers, to be held in Keene, on some day to be fixed by them, at which meeting they shall give at least twenty days notice by posting the same in Mortonsville, for the purpose of electing a President and five Directors, to serve until others are elected and qualified; and that all future elections shall be on the first Monday in April in every successive year, in the town of Keene; and said election shall be confined to stockholders.

**Name and style.**

§ 4. That the company formed as aforesaid shall be and is hereby created a body politic and corporate, in deed and in law, forever, by the name and style of the "Harrodsburg, Keene, and South Elkhorn Turnpike Road Company;" and under the style and name aforesaid shall have perpetual succession, and all the privileges, immunities, and franchises of bodies politic and corporate; and as such shall be capable of contracting and being contracted with, of purchasing, taking, and holding, to them and each of them, successors, and assigns, and of selling and conveying, in fee simple, all such lands and tenements and estate, real, personal, and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, and plead and be impleaded, answer and be answered, defend and be defended before any and all judicial tribunals whatsoever; and also to make, have, and use a common seal, and the same to break, alter, and renew; and to do any and every act which bodies politic and corporate may lawfully do.

**Location of road**

§ 5. That the said President and Directors of said company shall be governed, in the location and construction of said road, as also in all other respects, by the provisions of the act of the General Assembly of the Commonwealth of Kentucky, entitled, an act to amend and reduce into one the several acts to incorporate a company to turnpike a road from Frankfort to Lexington by way of Versailles, approved February 14, 1835, which do not con-

flict with the provisions of this act; and said company is hereby vested with all the power and authority, rights and privileges, tolls and emoluments, that are granted to the President and Managers of the Frankfort, Lexington, and Versailles Turnpike Road Company by the act above recited; and they are also empowered with all the rights, privileges, and benefits of the act, entitled, an act for the benefit of the several turnpike road companies of this Commonwealth, approved February 9th, 1837.

§ 6. That said company is authorized to reduce the grade of said road to twenty-two feet, and the metal to fourteen feet, on the whole or such parts of the road as they shall deem proper and expedient; and they shall have power and authority to erect one toll-house and gate whenever five miles of said road may be completed, or whenever that part of said road from the beginning point near Rennick's blacksmith shop, to the town of Keene, shall be finished.

§ 7. That the Board of Directors shall not be required to give notice of the calls on stockholders in any newspaper, but shall post up written or printed notices in the town of Keene, and such other public places in the county as they shall deem necessary to give full notice.

§ 8. That all persons residing in Jessamine county shall be exempt from working or furnishing hands to work on any other road to the extent of one hand for every one share of stock subscribed and paid to said company.

Width of road,  
etc.

Calls on stock.

Stockholders  
exempted from  
working roads.

Approved February 16, 1858.

#### CHAPTER 717.

AN ACT for the benefit of William Brown, of Jessamine county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That William Brown, of Jessamine county, an infant, be and he is hereby invested with all the rights of an adult, and is empowered to make contracts, and do all other things except vote, that an adult may lawfully do: *Provided*, That nothing herein contained shall exempt said Brown from any liability incurred, after the passage of this act, on account of his infancy.

§ 2. This act to take effect from its passage.

Approved February 16, 1858.

1858.

## CHAPTER 718.

AN ACT to incorporate the Laurel Furnace Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Corporation.**

**Name and style.**

§ 1. That William Wurts, and such persons as he shall associate with him, and their successors, be and they are hereby created a body corporate, by the name and style of the "Laurel Furnace Company;" and by that name the said company shall be competent to contract and be contracted with, sue and be sued in all courts of competent jurisdiction in this Commonwealth; with full power and authority, to themselves and their successors, to acquire, hold, possess, use, and enjoy such lands, rents, tenements, and hereditaments, goods, chattels, and effects, not exceeding three hundred thousand dollars, for the manufacture of pig iron, of milling and dealing in coal, and of other manufactures, in the counties of Greenup, Lewis, Carter, and Lawrence; and they may build and construct, upon any lands they now have or may acquire under the provisions of this act, furnaces, rolling mills, and such other machinery and works as may be necessary to develop the resources of their property, and transport the coal, iron, and other products thereof to market, and to encourage the erection of manufacturing establishments in their vicinity, and for other purposes connected with the operations of the company.

**May make rail-  
road, &c.**

§ 2. Said company is empowered to construct roads or railways of double or single tracks, from the Ohio river, in Lawrence, Lewis, or Greenup counties, to any or all of their mines or manufacturing establishments, and for such purposes may cross or pass along any highway or water course: *Provided*, That any highway is no wise obstructed by the erection of such roads or railways: *And provided further*, That such highways and water courses be left in as good repair or condition as before, for public use. And they may enter upon and cross any lands for such purposes: *Provided*, The previous consent of the owner or owners thereof be first obtained.

**May sell and  
convey, or mort-  
gage property.**

§ 3. Said company may also sell and convey, lease, mortgage, and pledge, any real or personal property and effects of said company, in such manner as may become necessary, in transacting and facilitating the business of said company, or for any other purpose; and said company may have and use a common seal, and the same alter, amend, break, and renew at pleasure; and they shall also have the power of making, establishing, and executing such by-laws, rules, and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, That the same be not contrary to the laws of the United States or of this State.

§ 4. Said company shall have power to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations which said company may adopt.

1858.

May employ agents.

§ 5. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars each, which shall be subscribed and paid for in such manner as said company may prescribe by their by-laws.

Capital stock.

§ 6. Said company, when fully organized, by the election of a President, Secretary, and such other officers as said company may prescribe, shall cause a book to be opened and kept, subject to the inspection of any member of said company, which shall contain the names of all the members, and the number of shares owned by each; and said shares may be transferred on said book in the manner to be prescribed in the by-laws of said company; and each member shall share the profits and liability of said company to the extent of, and in proportion to, the amount of the capital stock owned by him in said company.

Officers, and their duties.

§ 7. Said company shall have the power to commence operations whenever thirty thousand dollars of the capital stock thereof is subscribed.

When company may begin work

§ 8. That this act shall take effect from its passage.

Approved February 16, 1858.

## CHAPTER 719.

AN ACT to incorporate the Kentucky Farmers Mutual Insurance Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Isaac Everett, John Thatcher, E. D. Hobbs, J. B. O'Bannon, W. F. Bullock, Robert N. Miller, John Herr, Robert Mallory, W. C. Winchester, Robert Ayers, William A. Merriwether, Philip Barbour, and Thomas P. Carey, and all other persons who may become members of said company in the manner herein prescribed, be and they are hereby incorporated and made a body politic, by the name of the "Kentucky Farmers Mutual Insurance Company," for the purpose of insuring their respective dwelling houses, and other buildings, household furniture, and other property in any county of the State, against loss or damage by fire; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend in any court of record or other places whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same

Corporation.

General powers.

1858.

may sell and convey at pleasure; may make, establish, and put into execution such by-laws, ordinances, and resolutions, not being contrary to the laws of this State or of the United States, as may seem necessary for their government, and for the management of their affairs, as may be necessary to carry into full effect the purposes of this charter.

The insured to be members of company.

§ 2. All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators, and their assigns, continuing to be insured in said corporation, as is hereinafter provided, shall hereby become members thereof during the period they may remain insured by said corporation, and no longer.

Board of Directors, &c.

§ 3. The affairs of said company shall be managed by a Board of Directors, consisting of thirteen members, as hereinafter provided. All vacancies happening in said board may be filled by the remaining Directors, for the remainder of the year for which they were elected; and a majority of the whole shall constitute a quorum for the transaction of business.

Who are the first Directors.

§ 4. The persons first named in this act shall be the first Directors of said corporation, and shall continue in office for one year after the passage of this act, and until others shall be elected in their place, which Board of Directors shall hereafter be elected in each year, at such time and place in the city of Louisville as the corporation, in their by-laws, shall appoint, of which election public notice shall be given in one or more newspapers in the State and at least thirty days immediately preceding such election; such election shall be holden under the inspection of three members, not being Directors, to be chosen by the members of the corporation at their annual election; and such election shall be made by ballot, and by a plurality of the votes of the members, or their proxies there present, allowing to each member one vote for every one hundred dollars insured in said company; the first inspectors of election to be chosen by the Board of Directors; but no person shall be eligible to the office of Director who is not at the time of his election a stockholder in said corporation.

May fix rates of insurance, &c.

§ 5. The Directors may determine the rates and conditions of insurance, the sum to be insured, and the sum to be deposited for any insurance; and at their first meeting after their election shall elect one of their own number as President; and shall have power, from time to time, to appoint a Vice President, Secretary, and such other officers, agents, and assistants as to them may seem necessary, and prescribe their duties, fix their compensation and take such security from them as they may deem necessary for the faithful performance of their respective duties.

Officers.

§ 6. Said Company may take insurance for any term not exceeding ten years, and any policy of insurance issued by said company, and signed by the President, and countersigned by the Secretary, shall be deemed valid and binding on said company, in all cases where the insured has a title in fee simple, unencumbered, to the building or buildings insured, and to the land covered by the same; but if the assured have a less estate therein, or if the premises be encumbered, the policy shall be void, unless the true title of the assured, and the incumbrances on the premises, be expressed therein.

1858.  
May take risks  
for ten years.

§ 7. Every person who shall become a member of said corporation, by effecting any insurance therein, shall, before he receives a policy, deposit his promissory note for such sum as may be determined by the Directors, and pay the rates that shall be determined by them; a part not exceeding ten per cent of said note shall be immediately paid and the remainder of said deposit note, and all premiums paid in, shall be liable in part or in whole, at any time the Directors may deem the same requisite, for the payment of losses and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting the *pro rata* thereof of all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation, to be secured by bond and mortgage upon unencumbered real estate, of double the value of the sum loaned.

Policies to be  
issued.

§ 8. If it shall ever so happen that the whole amount of deposit notes should be insufficient to pay the losses occasioned by any fire or fires, in such cases the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sum by them respectively insured, and in addition thereto a sum be assessed on all the members of said company, not exceeding fifty cents on every one hundred dollars by them respectively insured; and no member shall ever be required to pay for any loss occasioned by fire, at any one time, more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than the amount of any such loss after his note shall have been paid in and expended; but any member, upon the payment of his deposit note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Provisions for  
paying losses.

1858.

What may be insured.When property is alienated, policy to be void.Members to pay their proportion of losses.Notice of losses to be given.

§ 9. No building or other property shall be insured by said corporation except dwelling houses, out houses, barns, and other buildings connected with and appertaining to farms, and grain and all other produce remaining in said buildings, or upon the farms, and such household furniture, farming implements, and other property, appertaining to farms, as may be in such buildings, or on the farm to which they appertain.

§ 10. When any property insured by this corporation shall be alienated by sale or otherwise, the policy shall therefor be void, and be surrendered to the Directors of said company to be cancelled; upon such surrender the insured shall be entitled to receive his deposit note upon the payment of his portion of all losses by fire and expenses, which may have accrued prior to such surrender; but the grantee having the policy assigned to him may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the Directors, and with their consent, or the consent of such person as they may authorize, within thirty days next after such alienation, on giving proper security for such portion of the deposit note as shall remain unpaid; and by such ratification and confirmation the party causing such security to be given shall be entitled to all the rights, and be subject to all the liabilities, to which the original party to whom the policy issued was entitled and subject under this act.

§ 11. Every member of said company shall be and hereby is bound and obliged to pay his portion of all losses and expenses happening or accruing in and to said company; and all buildings insured by and with said company, together with the right, title, and interest of the assured to the lands on which they stand, shall be pledged to the company; and the said company shall have a lien thereon against the assured during the continuance of his, her, or their policies.

§ 12. In case any loss or damage by fire, happening to any member upon property insured in and with said company, the said member shall give notice thereof in writing to the Directors, or some one of them, or to the Secretary of said company, within thirty days from the time such loss or damage may have happened, and the Directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of such loss or damage; and if the party suffering is not satisfied with the determination of the Directors, the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage at the next court holden in and for the circuit of Jefferson, and not afterwards, unless said court shall be holden within sixty days after said determination,

but if holden within that time then at the next court holden in said county thereafter; and if, on the trial of such action, a greater sum be recovered than the amount determined upon by the said Directors the party suffering shall have judgment therefor against said company, with interest thereon from the time such loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become non-suit, and the said company shall recover costs: *Provided however*, That the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage as determined by the Directors aforesaid: *And, provided also*, That execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

§ 13. The Directors shall, after receiving notice of loss or damage by any member, and ascertaining the sum, or after the rendition of any judgment, as aforesaid, against said company for loss or damage, settle and determine the sum to be paid by the several members thereof, as herein provided, as their respective portion of said loss, and give each of the members notice in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the Treasurer within thirty days next after said notice; and if any member shall, for the space of thirty days after receiving such notice, neglect or refuse to pay the sum assessed upon him, as his portion of any loss, in such case the Directors may sue for and collect the whole amount of his deposit note or notes, with cost of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue; and the balance, if any remain, shall be returned to the party of whom it was collected on demand, after thirty days after the expiration of the term for which insurance was made.

§ 14. No policy shall be issued by said company until application shall be made for insurance upon property for fifty thousand dollars at least.

When amount  
of loss is ascer-  
tained, how to  
be paid.

§ 15. It shall be the duty of the Directors to make an annual report of the condition, progress, and affairs of said company, which report shall be published in such newspapers in this State as the Board of Directors may designate; and a copy of the same shall be furnished to General Assembly.

When policies  
may be issued.

Annual reports.

§ 16. The company hereby created shall not be concerned in any other trade or business, except the insurance of property against loss or damage by fire, nor shall said company, by any possible construction of the power

Limit of busi-  
ness of compa-  
ny.

1858.

granted in this act, exercise any banking privileges whatever.

Limit of charter

§ 17. This charter shall expire on the first day of January, 1890, and the Legislature reserves the right to modify or amend the same at any time.

§ 18. This act shall take effect from its passage.

Approved February 16, 1858.

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#### CHAPTER 720.

AN ACT to create a Sinking Fund for the city of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Mayor and Council of the city of Frankfort shall have full power and authority to submit to a vote of the qualified voters of this city, the question whether said Mayor and Council shall have authority to levy, on the taxable property in said city, an additional tax, not exceeding fifty cents on each hundred dollars of valuation, each year, for the purpose of creating a Sinking Fund to enable said city to pay the interest and principal of their debts, including the debt and interest of the Capital Hotel Company, of which said city is sole stockholder.

§ 2. The said Mayor and Council shall direct the way and means, time and places of taking the vote of the citizens of Frankfort, provided for in the foregoing section, and if the vote is favorable to the tax, the said Mayor and Council shall proceed to levy and collect the same, not exceeding fifty cents on the one hundred dollars, as aforesaid, as other taxes are collected in said city, and shall have the same powers to coerce the payment of the same.

§ 3. The said tax, when collected, shall be used exclusively as a Sinking Fund, to be solely appropriated for the purposes indicated in the first section of this act; and said Mayor and City Council shall have full power and authority to invest, and re-invest, from time to time, any surplus of such fund, so as to make said fund profitable for the purposes aforesaid.

§ 4. This act shall take effect from and after its passage.

Approved February 16, 1858.

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#### CHAPTER 721.

AN ACT to incorporate the Little River Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John F. White, F. M. Woldridge, H. B. Faulkner, J. M. Woolf, W. G. Groom, J. W. Jackson, W. H.

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Pollard, A. W. Meachem, J. M. Groom, E. J. McConnell, and their successors, be and they hereby are constituted a body politic and corporate, by the name and style of the "Trustees of the Little River Academy, under the care of the Little River Baptist Association;" and as such shall have perpetual succession, with full power to acquire, hold, and transfer real and personal estate, make contracts, sue and be sued, plead and be impleaded in their corporate capacity; to make, have and use a common seal, and the same break, alter, or destroy at pleasure; and also to make such rules, by-laws, and ordinances as may be necessary for the government of said corporation, not inconsistent with the constitution and laws of this State, or of the United States.

§ 2. That the Trustees above named shall hold their office until their successors are duly elected; and said Little River Association is hereby vested with full power to choose and elect, at its session, annually, successors to two of the aforesaid Trustees, which newly elected members shall hold their office for five years, it being understood the two first named go out of office next August, and that any person having once served is re-eligible for any succeeding term.

§ 3. That the Trustees of said Academy shall have power to fill any vacancy that may occur in said board by death, resignation, or otherwise; and the Trustee, so appointed, shall hold his office until said Little River Association shall be regularly convened, when his appointment may be confirmed or superceded.

§ 4. That said Trustees, and their successors in office, shall have power to elect a Chairman, Treasurer, and Secretary; shall keep a faithful record of the proceedings of said Board of Trustees, and report the same annually to the Little River Association. Bond with security may be required of the Treasurer for the performance of his duties.

§ 5. That said Trustees, and their successors in office, shall have power to elect the principal and other officers of said Academy, subject to the ratification or rejection of said Association; they shall have similar power to establish and regulate the course of study therein, and to determine and pay the salaries of the teachers employed in said school.

§ 6. That said Trustees and their successors shall have power to collect, hold, and disburse the funds and donations of said school, in such a manner as shall be most subservient to its interests, and shall be in accordance, with the instructions and regulations of the said Little River Association.

Approved February 17, 1858.

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## CHAPTER 726.

## AN ACT for the benefit of School District No. 62, of Muhlenburg county.

Whereas, it is represented to this General Assembly, that School District, No. 62, was organized in Muhlenberg county, out of part of School District No. 17, in Muhlenberg county, in the fall of the year 1856; and whereas, a Common School was taught in said district, No. 62, for three months, partly in the year 1856 and partly in the year 1857, of which no report has been made. Now, for the remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the Trustees of said district No. 62, in Muhlenberg county, to report on or before 1st April, 1858, to the Commissioner of Common Schools of Muhlenberg county, the teaching of said Common School, and it shall be the duty of said Commissioner to report the same to the Superintendent of Public Instruction, and the Auditor of Public Accounts shall draw his warrant on the Treasury for the amount found due said district, to be paid out of the Common School Fund due said county.

§ 2. This act shall take effect from its passage.

Approved February 17, 1858.

## CHAPTER 729.

## AN ACT in relation to the Falmouth Seminary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the Pendleton County Court, at its May term for 1858, and biennially thereafter, to appoint three Commissioners to settle with and state the accounts of the Trustees of the Falmouth Seminary, and report their settlements to the said court.

§ 2. That it shall be the duty of said Commissioners to give the Trustees of said Seminary at least ten days notice, in writing, of the time and place at which they propose to make said settlements; pursuant to which notices, if duly served, they may make settlements as aforesaid, and report the same, with their vouchers, as above required.

§ 3. It shall be the duty of said County Court, if it approves of said settlements, to order the same to be entered of record in the records of the Pendleton County Court.

§ 4. That if the Trustees of said Falmouth Seminary, or any one of them, fails to comply with the provisions of this act, he or they so failing shall forfeit the offices they hold as Trustees of said Falmouth Seminary Fund.

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§ 5. This act shall take effect from and after its passage.

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Approved February 17, 1858.

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### CHAPTER 730.

AN ACT to empower the Trustees of the Baptist Church at Dallasburg, in Owen county, to sell and convey land belonging to said church.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Trustees of the Baptist Church at Dallasburg, in Owen county, are hereby empowered to sell and convey, by deed, such part of the land owned by said church as the church may direct at a regular meeting.

§ 2. This act shall take effect from its passage.

Approved February 17, 1858.

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### CHAPTER 731.

AN ACT for the benefit of the town of Bowlinggreen.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Chairman and Board of Trustees of the town of Bowlinggreen shall have power to sell or exchange and convey that portion of High street, in "Skiles enlargement to the town of Bowlinggreen," situated and lying between the westwardly line of the lands of Lehman and Grafulla, where said line crosses said street, and the intersection of said High street with Walnut street.

§ 2. This act shall take effect from its passage.

Approved February 17, 1858.

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### CHAPTER 732.

AN ACT to authorize sale of a part of the public square of the town of Stanton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the County Court of Powell county is hereby authorized to sell and convey a portion of the public square in the town of Stanton, not to exceed one quarter of an acre.

§ 2. This act shall take effect from its passage.

Approved February 17, 1858.

1858.

## CHAPTER 735.

AN ACT for the benefit of Gordonsville Lodge, No. 217, of Free and Accepted Masons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That whereas the 27th day of December, 1857, came on Sunday, and Gordonsville Lodge, No. 217, of Free and Accepted Masons, failed to elect three Trustees, as required by an act passed and approved on the 7th day of March, 1858, incorporating said Lodge.

§ 2. That said Lodge is hereby authorized to elect their Trustees at their monthly meeting in April in the year 1858, which shall be as valid as if they had been elected on the 27th day of December, 1857; and the next election for Trustees, after April, 1858, shall be on the same day in December, 1859, that the said Lodge elects her officers. The Lodge shall elect Trustees on the same day and the same month thereafter every two years.

§ 3. That that part of the act requiring said Lodge to elect Trustees on the 27th of December, 1857, and every two years thereafter, is hereby repealed.

§ 4. This act to take effect from its passage.

Approved February 17, 1858.

## CHAPTER 736.

AN ACT for the benefit of Messrs. Stokes, Hughes, and Peevor, of London, in England.

Whereas, it is represented to this General Assembly that the coupons of interest, or dividend warrants for interest, due the 1st Monday of January, 1856, on the following four bonds of the State of Kentucky, to-wit: Nos. 353, 354, 355, and 356, dated June 4th, 1838, for one thousand dollars each, payable thirty years from the first Monday of July, 1838, and the coupons for interest due at the same date on the following three other bonds of the State of Kentucky, to-wit: Nos 96, 97, and 98, dated 1st July, 1838, for two thousand dollars each, payable thirty years from date, were cut off from said bonds, and have been accidentally lost and destroyed; and that said coupons or warrants are unpaid, and that said coupons or warrants, amounting, in the aggregate, to the sum of three hundred dollars, were, at the time of their loss, the property of Messrs. Stokes, Hughes, and Peevor, of London. Now, for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That upon the execution of a bond by one or more residents and citizens of the State of Kentucky, to be approved by the Commissioners of the Sinking Fund, com-

ditioned to save harmless, and indemnify the State of Kentucky against all loss or payments on account of the coupons of interest or dividend warrants aforesaid, the said Commissioners are hereby authorized to pay to said Messrs. Stokes, Hughes, and Peevor the said sum of three hundred dollars, in full satisfaction of said coupons or warrants.

§ 2. That before any such payment shall be made the said Messrs. Stokes, Hughes, and Peevor shall file with said Commissioners the evidence of the loss and ownership of said coupons, and no payment shall be made unless they are satisfied of such loss and ownership as above represented.

Approved February 17, 1858.

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#### CHAPTER 737.

AN ACT to incorporate the Allensville Masonic Stock Company of the county of Todd.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company may be formed and created a body politic and corporate, by the name and style of the "Allensville Masonic Joint Stock Company," for the purpose of buying a lot of ground and building thereon such buildings as they may think necessary, or buying a house and lot for the use and benefit of said company as a Lodge, with the privilege of renting, leasing, or selling any part or the whole of said property at any time that a majority of said stockholders may agree to do for their benefit.

§ 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty five dollars each.

Name and style.

Capital stock.

§ 3. The books for subscription of stock shall be opened by B. B. Edwards, Wm. B. Hughes, E. B. Barnes, B. M. Trabue, P. G. Edwards, and C. A. Bailey, who are hereby appointed Commissioners for said purpose, at such times and places as a majority of them shall deem proper. When the sum of two thousand dollars shall have been subscribed to the capital stock of said company it shall be the duty of the Commissioners named in this section to give notice in such manner as they may think proper, for a meeting of the stockholders, at such time and place as the notice may specify, for the purpose of electing a President and five Directors; one vote shall be allowed for each share of stock; and the President and Directors shall continue in office for one year, and until their successors are elected and qualified; the times and places of all elections, after the first, shall be fixed by the President and Directors; and a majority of the board shall be competent to transact business.

Commissioners.

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How company  
organized, &c.

§ 4. So soon as said company is organized by the election of officers, the President and Directors shall, as a body politic and corporate, in fact and in law, under the name and style of the President and Directors of the "Allensville Masonic Joint Stock Company," and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking and holding, by purchase or gift, all such lands, tenements, and hereditaments, real and personal property, as may be necessary for the prosecution of their work, or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity or elsewhere; also, to have and use a common seal, and generally to do all and every act, matter, or thing, which a corporation may lawfully do to effect the object for which this corporation is created.

Calls on stock.

§ 5. The President shall give notice in such manner as he may deem proper, of the amount of call on each share of stock, and of the time of payment, and if any stockholder shall neglect to pay his amount of stock so called for, for the space of thirty days after the time of payment, such stockholder shall, in addition to the amount so called for, pay at the rate of one per cent. per month for every delay of payment; and if he shall fail to pay the amount of call, and the penalty aforesaid for the space of six months after the time such payment is required, he shall forfeit such share or shares to the incorporation, together with the amount he shall have paid thereon: *Provided*, That no stockholder shall vote at any election, or be entitled to any rights of a member of said company, unless the whole amount due and payable aforesaid, on each share by him held, shall have been paid agreeable to the regulation of said President and Directors.

Treasurer to be  
appointed, &c.

§ 6. The President and Directors shall appoint a Treasurer, and such other officers as they may deem necessary, with such compensation for their services as the President and Directors may deem just, who shall hold their offices for one year, and until others shall be appointed and qualified. The Treasurer of said company, before he enters on the duties of his office, shall give bond and security, in such penalty as the President and Directors may require, payable to them, conditioned to pay over any amount in his hands to the order of the President and Directors of said company.

Approved February 17, 1858.

## CHAPTER 738.

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AN ACT to incorporate the town of New Roe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of New Roe, in Allen county, Kentucky, is hereby incorporated, the boundaries of which are as follows, to-wit: Beginning at a stake in the middle of a branch in George Anthony's line; thence N. 48, E. 85 poles, to a stake; thence S. 24 $\frac{1}{2}$ , E. 184 poles, to a stake in John Brackin's line, near a branch; thence down said branch, with Brackin's line, to his corner; thence N. 37, W. to Lee Anthony's corner, and with his line down said branch to the beginning.

Town boundaries.

§ 2. That there shall be five Trustees elected in said town, on the first Monday in May, 1858, at an election held by a Justice of the Peace of said county for that purpose on that day, who shall, before they enter upon the discharge of their duties, take an oath before some Justice of the Peace of said county, that they will faithfully and impartially discharge the duties of the office aforesaid. That said Trustees and their successors shall be a body politic and corporate, and shall be known by the name and style of "The Board of Trustees of the town of New Roe;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering and being answered, of defending and being defended, in all courts of this Commonwealth.

Trustees to be elected.

§ 3. That there shall be elected for said town a Police Judge and Town Marshal; and all persons in said town, who have a right to vote for members of the General Assembly of this State, shall be competent electors for Trustees, Police Judge and Marshal for said town. Said Police Judge shall be elected on the first Wednesday after the Presiding Judge of the Allen County Court shall be elected, and hold his office for the same period of time for which said Presiding Judge shall hold his office. Said Town Marshal shall be elected on the first Wednesday after the Sheriff of Allen county shall be elected, and hold his office for the same period of time for which said Sheriff shall hold his office. The election for said Police Judge and Marshal shall be held in the town of New Roe, by the proper officers, on the first Wednesday after the election for said Presiding Judge and Sheriff shall be held. The first election for said Police Judge and Marshal shall be held on the first Wednesday after the first Monday in August, 1858—the first Police Judge, so elected, holding his office until the first Wednesday after the next general election for said Presiding Judge, and until his successor shall be qualified. In case of a vacancy in either of said offices, said electors shall fill it by another election, ten

Police Judge and Marshal to be elected.

Term of office.

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days notice thereof being given in writing, to be posted up in two of the most public places in said town.

Judge to be commissioned.

§ 4. That before the Police Judge enters upon the discharge of the duties of his office he shall receive a commission from the Governor of Kentucky, which shall be given upon the Trustees certifying to the Governor that he has been legally elected to fill said office. Said Police Judge shall, before he enters upon the duties of his office, take such oath as may be required by the constitution and laws of this State of County Judges. Said Police Judge shall have jurisdiction of all cases, criminal, as well as civil and penal, which may occur within the limits of said town, like as Justices of the Peace have. He shall have jurisdiction of all offenses arising under the by-laws of said town; may issue warrants, enter up judgments, and issue executions accordingly. The cases arising under violation of any of the by-laws of said town shall be tried as soon as practicable. He shall hold a court for the trial of all civil causes once in every three months. The time of holding said court shall be fixed by the County Court of Allen county. It shall be the duty of said Police Judge to keep a fair and just record of all his proceedings, certified copies of which shall be evidence in other courts. He shall have power to compel the attendance of witnesses, as Justices of the Peace have, and fine persons for contempt, in any sum not exceeding five dollars. He shall have power to order a jury to be summoned in like cases as Justices of the Peace. He shall have twenty-five cents for each warrant, twenty cents for each subpoena, twelve cents for each judgment, and twenty-five cents for each execution, for offenses in violation of any of the by-laws of said town; and for other services he shall have the same fees as Justices of the Peace are allowed, and shall, in the same manner, be responsible for illegal fee bills made out and collected.

Trustees general powers, &c.

§ 5. That said Trustees shall have power over the streets, alleys, and sidewalks of said town, and may direct the improvement of the same in such manner as they may deem most beneficial to said town. They shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth. They shall have power to levy and collect a tax upon the property of the citizens of said town, not exceeding ten cents on each hundred dollars worth of property. They shall have power to tax auction sales, shows, and exhibitions for money, such sums as they, in their by-laws, may fix. They shall have power to suppress all tippling houses, and to fine all those who may violate their by-laws in relation thereto, any sum not exceeding thirty dollars for each offense, to be recovered before the Police Judge of said

town. That it shall be the duty of said Trustees to appoint a Treasurer, Clerk, and such other officers as they may deem necessary, and take from them, respectively, bond with security, payable to the Commonwealth of Kentucky, in such penalty as said Trustees may direct, conditioned for the discharge of their duties; and for a violation of duty on the part of any of said officers, motions may be made or suits brought before any tribunal having jurisdiction thereof, in the same manner, and under the same rules and regulations, that motions are made or suits brought against Sheriffs, Constables, or other officers for failure of duty; and moreover, the said Trustees, or a majority of them, shall have power and authority to remove either of them for a failure to do their duty, and to appoint others in their place.

§ 6. That it shall be the duty of said Trustees and Clerk to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of said Treasurer to render an account to said Trustees of all moneys received and paid out by him, whenever by them requested so to do.

Records to be kept.

§ 7. That it shall be the duty of said Trustees to appoint any of their body Chairman of the Board; and no money shall be drawn from the Treasury except by the order of said Chairman, made in pursuance of allowance made by said board.

Chairman to be appointed.

§ 8. That upon all judgments rendered by said Police Judge either party shall have the right of appeal, in the same manner as parties have from the judgment of Justices of the Peace in similar cases.

Appeals on judgments.

§ 9. The Marshal shall serve all process and precepts to him directed by said Police Judge, and make due returns thereof; collect all taxes assessed in said town, executions, and other demands which may be put in his hands to collect, and account for and pay over the same to the person entitled thereto, under the same rules and regulations required by law of Sheriffs in the collection of taxes, and of Constables in the collection of executions or other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceeding which may be had against Sheriffs and Constables in similar cases. Said Marshal shall be entitled to the same fees for collecting the town tax that Sheriffs are entitled to for collecting county levy, and in all other cases the same fees that are allowed to Constables for similar services.

Duties of Marshal.

§ 10. All fines and forfeitures, in cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of said board, for the use and benefit of said town, any laws to the contrary notwithstanding. All moneys collected by a judgment of a Justice of the Peace, for any violation of the penal laws committed within the limits

Fines, forfeitures, &c.

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of said town, shall be, in like manner, paid over to the Treasurer.

*When Trustees  
to be elected.*

§ 11. That as provided for in the second section of this act, that there shall be five Trustees elected in said town on the first Monday in May, 1858, and further, that they shall be elected on the first Monday in May in every year thereafter, which election may be held as provided for in the second section of this act, or by the Police Judge and Marshal, and hold their office until their successors shall be qualified.

*Rep-elling  
clauses.*

§ 12. That all acts or parts of acts, coming within the purview of this act, be and the same are hereby repealed. This act to take effect from its passage.

Approved February 17, 1858.

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#### CHAPTER 739.

**AN ACT to amend the Maxville and Pleasant Run Turnpike Road Company.**

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled, an act to incorporate the Maxville and Pleasant Run Turnpike Road Company, passed and approved the present session of the General Assembly, be and is hereby so amended as to require said company to run their road so as to intersect the Lebanon and Maxville turnpike road at such point as in the opinion of said company may be best: *Provided*, It shall not intersect within less than two miles of Spears' tan-yard, on the Lebanon and Danville turnpike road.

Approved February 17, 1858.

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#### CHAPTER 740.

**AN ACT empowering the Presiding Judge of Campbell county to sell and convey the Poor House Farm.**

Whereas, the County Court of Campbell county has sold, by title bond, to John S. Youtsey, a tract of land of about fifty acres, lying on the turnpike about one and one-half miles northerly from Alexandria, in said Campbell county; and whereas, a doubt has arisen as to the power of said County Court to sell and convey said property, known as the Poor House Farm. Therefore, to remove said doubt, and to enable said court to perfect said sale by a conveyance,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Presiding Judge of Campbell county be and he is hereby empowered to convey to said John S. Youtsey, by deed in fee simple, the aforesaid described

tract of land, in accordance with the provision of said title bond, for and in the name of and on the behalf of said Campbell county; and the deed, so made and signed and acknowledged according to law, shall confer upon said John S. Youtsey, his heirs and assigns, all the right, title, and interest of every kind of said Campbell county in and to said tract of land and every part thereof.

§ 2. That this act shall take effect from and after its passage.

Approved February 17, 1858.

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#### CHAPTER 741.

AN ACT to establish a State Road from Paducah to Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel B. Caldwell, L. D. Husbands, and George H. Morrow, of McCracken county; Ben. Berry, Robert McKee, and Dr. T. W. Dryden, of Christian county; Dr. J. B. Wall, C. D. Bradley, and J. I. Roach, of Trigg county; and J. L. Buradell, Robert Morgan, and Wiley Waller, of Marshall county, or any four of them, after being first duly sworn, shall be and are hereby appointed Commissioners, to proceed to the city of Paducah and review the nearest, best, and most practicable way for a new road from thence to Hopkinsville, in Christian county: *Provided*, That said Commissioners be directed to view and mark the said road by way of Cadiz, in Trigg county, and Birmingham, in Marshall county; and when they shall have viewed said way, and shall have become satisfied of the nearest, best, most direct and practicable route, they shall cause said way or route, so selected by them, to be so marked and identified that there will be no difficulty in finding and pursuing the same; and said Commissioners shall make a written report to the County Courts of each county through which the road will run, designating therein, fully and explicitly, the route and ground over which said road will pass.

§ 2. The said County Courts shall receive and file said report in each of their County Court Clerk's offices, and shall establish said road as reported, and thereafter it shall be considered and held as a State Road, and can only be altered or changed by the County Courts, whenever directed by the Legislature to do so. It shall also be the duty of said County Courts to lay off said road into convenient precincts, and appoint surveyors over the same, and to allot a sufficient number of hands to each precinct to cut, clear out and improve said road, not less than thirty feet wide, and to make compensation to said Commissioners. And thereafter said Surveyors shall be

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governed by the general laws in relation to roads, and subject to the same penalties.

§ 3. That any person holding the legal title to the land over which said road may pass, shall have the right to sue out a writ of *ad quod damnum*, under the provisions of the general laws; and if any damages are sustained by said person the County Court of that county shall lay a levy to pay the same.

§ 4. This act to take effect from its passage.

Approved February 17, 1858.

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#### CHAPTER 742.

AN ACT to amend and reduce into one the several acts relating to the town of Elkton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporate lim-  
its.

Name and style.

Trustees to be  
elected.

May fill vacan-  
cies.

§ 1. That the inhabitants of the town of Elkton, in Todd county, as now established by law, within the boundaries defined by the plots thereof, with such additions as may be hereafter made to the same, shall be incorporated under the style of the town of Elkton, and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, in all cases and in all courts and places.

§ 2. That hereafter the fiscal, prudential, and municipal concerns of said town shall be vested in five Trustees, who shall be elected annually, on the first Monday in June, by the free white male citizens of said town over the age of twenty-one years; and who shall have resided in said town three months before said election. Said Trustees shall hold their offices for one year, and until their successors are elected and qualified. Before they enter upon the discharge of their duties they shall take an oath before a Judge or Justice of the Peace, faithfully and impartially to discharge the duties of the same during their continuance in office. No person shall be eligible to the office of Trustee who is under twenty-one years of age and has not resided in said town for twelve months next before his election.

§ 3. Said Trustees shall have power to fill any vacancy that may occur in their board. It shall be their duty at their first meeting after their election, or as soon thereafter as practicable, to elect one of their own body President of the board, who shall preside over their meetings, preserve order, and in case of a tie give the casting vote. A majority of the board of Trustees shall constitute a quorum to do business, and the board may be convened at any time by order of the President or by request of any two members. It shall be the duty of each

member of the Board of Trustees to attend the stated and called meetings, and to see that all the ordinances and by-laws of the town are executed.

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§ 4. That said Trustees, or a majority of them, shall have power to make and receive all necessary conveyances in relation to said town. They shall have power over the streets, alleys, and side-walks of said town, or which may hereafter be added thereto, and may cause the same to be improved in such manner as they may deem most beneficial to said town; to remove obstructions from the same, and by their by-laws to impose fines and penalties upon persons for obstructing the same. They shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this State. They shall have power and authority to assess and collect annually an *ad valorem* tax, not exceeding twenty-five cents on each one hundred dollars worth of real and personal estate within the town by law taxable, and a poll-tax not exceeding one dollar on each tithe. They shall have power to remove any officer appointed by them for improper conduct. They shall have power to determine what fines—or imprisonment on failure to pay the same—shall be imposed on all persons who shall be guilty of any indecent or boisterous conduct within said town, such as to disturb the peace and good order of the town; they may impose fines upon any who may be guilty of running horses, or trotting mules or horses in wagons, or of profane swearing clamorously in the streets of said town, or shooting guns, or making reports by the burning of powder, blowing horns, crying aloud by day or by night in a disorderly manner, or of any other disorderly or riotous conduct within said town. They shall have power and authority to declare what are nuisances within said town, and abate the same, or by their order cause the same to be done. They shall have power to organize a fire company in said town, to prescribe their duties and fix fines and penalties for their violation; also to erect a suitable market house, and for this purpose may purchase and hold ground, may regulate the market and appoint a market master.

May make conveyances, &amp;c.

May make by-laws.

Fines, &amp;c.

§ 5. Said Trustees shall have power to pass by-laws for the suppression of tippling houses, gambling houses, and such other houses in said town as are the common resort of idle, dissolute and disorderly persons, and to prohibit the retailing of spirituous liquors; and by providing and enforcing by adequate penalties to punish all riots, routs, breaches of the peace, or of their by-laws; and they shall have power to remove all disorderly itinerant free persons of color from the limits of said town.

May suppress tippling houses, &amp;c.

§ 6. They shall have power to tax, and the exclusive right to license all taverns, houses of entertainment, re-

Tavern licensees, &amp;c.

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tailers and venders of spirituous liquors, and houses of public resort in said town, such sums as they may provide: *Provided*, That tavern keepers shall also be liable to pay the revenue tax now imposed by law, and that no license shall be granted to retail spirituous liquors to persons not otherwise authorized to retail.

*May tax peddlers, &c.*

§ 7. They shall have power to tax peddlers and auctioneers, in addition to the tax now imposed by law, not exceeding one per cent. upon all public sales of goods, wares, and merchandize, and may require them to take out license, under such restrictions and penalties as may be necessary to enforce said tax. They shall have power to tax all shows, exhibitions, theatrical performances, concerts, and places of public amusement, where money is charged for admission to the same, which may be held or conducted in said town, or within one half mile of its corporate limits.

*Shall control graveyard, &c.*

§ 8. Said Trustees shall have control of the grave yard near said town, and may add, by purchase, to said grounds, or purchase other burial grounds, and may lay off and sell burial rights or lots, and appropriate the proceeds to the improving and ornamenting said grounds; and may, by their by-laws, impose a fine not exceeding fifty dollars upon any person who may trespass upon said grounds or improvements.

*Trustees to appoint officers.*

§ 9. It shall be the duty of said Trustees to appoint a Clerk, Assessor of Tax, and Treasurer, being citizens of said town, or owning real estate therein, whose term of office shall continue one year, unless removed by the board; and the Clerk shall keep a fair record of the proceedings of the board and may certify copies thereof. Said officers shall enter into such bonds for the faithful performance of their respective duties as the board may prescribe, and such compensation may be allowed them for their services as may be fixed by the board.

*Police Judge and Marshal to be elected.*

§ 10. A Police Judge and Town Marshal shall be elected on the first Monday in June, 1858, and every second year thereafter, by the qualified voters of said town, and shall hold their offices until their successors are elected and qualified. The polls of the election of the Police Judge and Town Marshal shall be returned to the Clerk of the County Court of Todd County, within ten days after the day of the election, who shall certify the result of the election, so far as the Police Judge is concerned, to the Governor of the State, whose duty it shall be to issue a commission for the person elected to the office of Police Judge, and who shall be a judicial officer to be styled the Police Judge of the town of Elkton.

*Police Judge to take oath.*

§ 11. The Police Judge shall, before he enters upon the duties of his office, besides the oaths now required by law and the constitution to be taken by other judicial officers,

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Jurisdiction, &amp;c.

take an oath before a Judge or Justice of the Peace to discharge the duties of his office faithfully and impartially, to the best of his ability, without favor or affection: The said Police Judge shall have jurisdiction within said town and town district to the same extent that Justices of the Peace now have or may hereafter have in this State, and shall have the same jurisdiction of crimes and misdemeanors committed within said town or the county of Todd as two Justices of the Peace now have; and shall have full jurisdiction within said town of all offenses against the by-laws and ordinances of said town, and shall have power to enter judgments and issue executions for all fines and penalties for such offenses. He shall have power to grant injunctions and attachments to the same extent that the County Judge now has. It shall be the duty of the Police Judge to keep a record of his proceedings, copies of which shall be evidence to the same extent, and for the same purposes, that copies of the records of Justices of the Peace now are. He shall have power to order the Marshal, or other officer, to summons a jury in cases cognizable before him where a jury is required by law. He shall have power to take and certify depositions as Justices of the Peace and examiners now have. He shall have jurisdiction of all motions and suits against the Marshal, Clerk, Treasurer, and other officers, for all sums received by them or for a violation of their official bonds, where the amount does not exceed fifty dollars. He shall have power to issue summons for witnesses to give evidence before him, and to compel their attendance; to issue compulsory process, to fine and imprison for contempt: *Provided*, Said fine shall not exceed ten dollars in any case, nor the imprisonment more than twenty-four hours. He shall issue process in the name of the Commonwealth as other warrants, and make them returnable before himself as Police Judge of the town of Elkhorn, which process shall be directed to the Marshal, and in his absence to the Sheriff, Jailer, Coroner, or any Constable of Todd county, which shall be executed and returned by them under the same penalties as other process from Justices of the Peace.

§ 12. Appeals from all judgments rendered by said Police Judge, shall be allowed in the same manner, under the same rules and regulations, and to the same tribunals, as appeals are now allowed from judgments of Justices of the Peace in like cases.

Appeals may be taken.

§ 13. The Marshal shall be a conservator of the peace, and shall have the same powers, and perform the same duties, and be liable to the same penalties, that Constables of this Commonwealth are now by law, or may hereafter be authorized to perform or be subject to; and said Marshal, before he enters upon the duties of his office,

Marshal—his duties.

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shall take an oath in the County Court of Todd county, for the faithful performance of his duty, and shall execute bond with one or more good sureties, to be approved by said County Court, in the penalty of two thousand dollars, payable to the Commonwealth of Kentucky, with conditions similar to Constable's bonds; and the same may be put in suit by any person injured for a failure to perform the conditions of said bond, in the same manner as suits are now authorized to be brought on Constable's bonds. And said Marshal shall also be subject to a motion against him and his sureties before said Police Judge, Judge of the County Court, or Justice of the Peace, for a failure to pay over money to the person entitled to receive the same, under the same regulations and restrictions as motions are authorized to be made against defaulting Constables. He shall collect all taxes which may be placed in his hands, and pay the same over to the Treasurer, and make out and return to the Trustees, within four months after the list shall have been placed in his hands for collection, a report of the amount collected, and the names of the delinquents, and the amount due from each, whereupon the said Board of Trustees shall have power to, and it shall be their duty to make an order requiring the Marshal to levy upon so much of the delinquent property, personal or real, or both, as may be sufficient to satisfy the amount of tax and costs that may be due; and in pursuance of which order the Marshal shall make said levy, and after having advertised the property at three different places in said town for fifteen days, shall sell at some public place in said town, to the highest bidder, so much as may be sufficient to satisfy the tax and costs due thereon; and if the property sold be real estate, the Marshal shall, upon payment of the price, give to the purchaser a certificate of his purchase, which shall entitle him and his heirs or assigns to demand and receive from the Board of Trustees a deed of conveyance of the property described in the certificate, (warranting alone against themselves,) at any time after twelve months from the time of sale, unless the owner shall have redeemed the same by paying or tendering to the purchaser (and giving notice to said Trustees of such payment or tender) the amount of the purchase money and costs, with twenty-five per cent. thereon, and the purchaser in all cases paying the expense of making the conveyance; and the said Trustees shall have a lien on all property in said town, both real and personal, for the tax. And the Marshal shall have power to levy on and sell personal property for the tax without an order from the Trustees, and at any time after the list shall have been placed in his hands: *Provided*, That as to real estate non-residents of the county shall have two years to redeem in, under the regula-

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tions above provided, and that infants, *femes covert*, idiots, and lunatics may redeem their property within three years after the removal of their several disabilities, by paying the amount of tax and costs and twenty-five per cent. per annum from the time of sale.

§ 14. It shall be lawful for the Trustees of said town to enter up an order directing the citizens of the town, or any portion of them, or any owner of property in said town, to pave a foot walk in front of their houses and lots of such width and kind as they may direct, a copy of which order shall be delivered to the owner or person in possession of the property by the Marshal; and upon the failure of any citizen of said town, or owner of property in said town, for three months after the service of said order, to pave said foot walk as directed, it shall be lawful for said Trustees to have the same done, and to sell the property in front of which the work is done to pay the costs, on the same terms, and in the same manner provided above for the sale of property for payment of tax, and subject to like redemption by the owner.

May improve  
sidewalks, &c.

§ 15. That in case of the death or resignation of the Police Judge or Marshal, the Trustees of said town shall order an election to be held immediately thereafter to fill the vacancy, first giving notice five days before the election, by written notices posted at the court house and post office door in Elkton, which election shall be conducted as other elections, and if for Police Judge it shall be certified to the Governor as is provided in section ten.

Vacancies- how  
filled.

§ 16. That all elections under this act shall be held by the Clerk of the Board of Trustees and two Judges appointed by the Trustees for that purpose, who shall be first sworn to discharge their duties faithfully and impartially. Upon the day of the election the polls shall be kept open not less than three hours.

By whom elec-  
tion to be held.

§ 17. That all taxes, fines, and forfeitures for the breach of any by-law or ordinance of said town, or for a violation of the penal laws committed within the limits of said town, cognizable before the Police Judge, shall be collected and paid to the Treasurer of the Board of Trustees for the use of said town.

Taxes, fines, &amp;c.

§ 18. That the County Judge or Justice of the Peace residing in or nearest the town of Elkton shall be vested with the power given the Police Judge under this act, in the absence or sickness of said Judge, or in case of a vacancy in said office, and shall be vested with the same powers when the Judge is related to either of the parties, or when from interest or other cause he cannot try the cause.

When County  
Judge or Justice  
may act as Po-  
lice Judge.

§ 19. The fees of the Police Judge of said town shall be as follows: for issuing a warrant for a riot, rout, or breach of the peace, fifty cents: for presiding at the trial

Fee, &c., of  
Judge.

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and entering judgment, one dollar; for each warrant for breach of any ordinance or by-laws of said town, fifty cents; for presiding at the trial and entering judgment, one dollar; for issuing a *capias profine*, twenty-five cents; for issuing summons for a witness, twenty cents; for a peace warrant, fifty cents; all other fees shall be the same as Justices of the Peace for like services, and he shall have power to collect his fees in the same way as Justices of the Peace have. For the trial of civil cases he shall hold regular terms in the months of March, June, September, and December, in each year, and for other cases he may hold his court at any time that an offender may be brought before him.

Fees, &c., of  
Marshal.

§ 20. The fees of the Marshal shall be as follows: for executing a warrant for a riot, rout, or breach of the peace, one dollar; for taking bond of defendant, fifty cents; for summoning a jury and attending a court during a trial, one dollar and fifty cents; for executing a warrant for breach of the town ordinance or by-laws, fifty cents; for summoning a jury when one is required, one dollar and fifty cents; for arresting under a peace warrant, one dollar; for collecting town tax, ten per cent., unless the Board of Trustees shall, by order, fix a different compensation; and in all other cases he shall be allowed the same fees as Constables receive for similar services.

§ 21. That all general laws relating to towns, and not inconsistent with the provisions of this act, shall apply to the town of Elkton.

Approved February 17, 1858.

#### CHAPTER 745.

AN ACT to authorize the Barren County Court to subscribe stock in the Barren County Railroad.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Presiding Judge  
to subscribe  
stock.

§ 1. That the Presiding Judge of the Barren County Court be and he is hereby authorized and required to subscribe for and on behalf of said county, any number of shares of stock not exceeding seventy-five thousand dollars, to the capital stock of the Barren county railroad company, to be paid in equal annual instalments, such instalments not to be exceeding one-third of the whole amount so subscribed.

Railroad tax to  
be levied.

§ 2. That for the purpose of raising the amount subscribed as aforesaid, and the amount to be appropriated to the construction of said road, the County Court of Barren shall, each year, levy on the property in said county, subject to taxation for state revenue purposes, a tax suffi-

cient to pay the instalments of said subscription that may be due for that year, till the whole of said subscription is paid.

§ 3. That the Sheriff of said county shall collect the taxes authorized by this act, and for that purpose is invested with the same powers, and is subjected to the same penalties, and in all respects to be governed by the laws that are provided for the collection of the state revenue, except that it shall be his duty to pay over said taxes, when collected, to a person to be appointed by said court to receive the same, and shall account to said court for all moneys thus collected; and for any failure to collect and pay over any part of said taxes to such person so authorized by the court to receive the same, said Sheriff and his sureties shall be liable upon his official bond for all damages and costs by reason of such failure, to be recovered by motion in the name of Barren county, in the Barren Circuit Court.

§ 4. That said County Court shall appoint a Treasurer to receive from said Sheriff all moneys collected under this act, shall take bond with surety for the faithful discharge of his duties, fix his compensation, and by appropriate orders prescribe his duties.

§ 5. That all payments made by any individual on account of tax levied, to pay the subscription to the said railroad, shall entitle such tax payer to a certificate from the Sheriff for the amount so paid each year, which certificate shall be transferable by written assignment, and shall entitle the holder thereof to stocks in said railroad to the amount thereof; and upon the presentation of such certificate or certificates, amounting to one share or more of stock, to the Directors of said company, he shall be entered on the books of the company as a stockholder to that amount, and entitled to all the rights of other stockholders in the same.

§ 6. That no person shall be required to pay the tax levied to pay said subscription in addition to the individual stock previously subscribed to the capital stock of said company and paid by him or her, but shall be entitled to a credit upon said tax due by him or her by the amount of such individual subscription so paid, upon presenting to the Sheriff the receipt of such payment, but nothing herein contained shall be construed to lessen the amount subscribed for in behalf of said court as aforesaid.

§ 7. That before any subscription shall be made to the capital stock of said railroad company, the County Court shall, upon the application of the President and Directors of said railroad company, cause an election to be held at the several voting places in said county, by the officers authorized by law to hold elections, for the purpose of as-

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Sheriff to collect railroad tax.

Tax certificates to be issued, which maybe invested in stock.

Individual stockholders exempt from railroad tax.

Vote of county, on subscription, to be taken, etc.

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certaining the sense of the qualified voters of said county on the propriety of said subscription to said railroad company. That the Clerks at the respective election precincts shall open two columns in their respective poll books, one headed "For subscription to the Barren County Railroad," and the other headed "Against subscription to Barren County Railroad," and it shall be the duty of the respective Sheriffs to ask of each qualified voter, who shall offer to vote on said subject, "Are you in favor of the subscription to the Barren County Railroad;" and if he shall answer in the affirmative, his vote shall be recorded in favor of said subscription, and in said first named column, but if he shall answer in the negative, his vote shall be recorded against the same, in said second named column. And if, on a comparison of said polls by the persons authorized by law to compare poll books in other elections, it shall be found that a majority of the voters who have voted on said subscription have voted in favor thereof, then said County Court shall have full power and authority, and is hereby required, to make said subscription of stock to said company, and at the next court of assessment after, and at the court of assessment in each succeeding year, levy the tax required by this act for payment of said subscription; but before any election is held under this act the County Court shall give forty days notice thereof, by printed advertisements, and by publication in the newspapers printed in the county, which advertisement shall set forth the amount proposed to be subscribed to said railroad, the time in which said amount is to be paid, and the amount to be collected by tax and paid each year; that upon a failure or refusal of said County Court to order said election, upon the application of said President and Directors as aforesaid, the Circuit Court for Barren county shall have power, by mandamus awarded on application of said President and Directors, to compel said County Court to have the same held.

Approved February 17, 1858.

## CHAPTER 746.

AN ACT for the benefit of Merit S. Oneal, of Woodford county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Merit S. Oneal, who has executed bonds with good and approved securities in both the Woodford and Jessamine County Courts, as guardian for Elijah B. Oneal, be and he is hereby released from the duty of settling his fiduciary accounts in Jessamine county, but he shall settle his said accounts in the Woodford County Court, at the

times, in the manner, and under the same responsibilities as are now required by law of guardians.

§ 2. This act shall take effect from and after its passage.

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Approved February 17, 1858.

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#### CHAPTER 747.

AN ACT to authorize the Methodist church in Frankfort to sell a lot.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Trustees of the Methodist church in the city of Frankfort shall have full power and authority to sell and convey the lot on which their church formerly stood, and to apply the proceeds to payment of their new church in said city. This act to be in force from its passage.

Approved February 17, 1858.

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#### CHAPTER 749.

AN ACT to legitimise Robert M. Leach.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That Robert Manlius Leach, illegitimate son of Washington Thompson, is hereby legitimised as the legal son and heir of Washington Thompson, his father. This act shall take effect from and after its passage.

Approved February 17, 1858.

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#### CHAPTER 750.

AN ACT to charge the inhabitants of the city of Frankfort with the county levy, &c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the inhabitants of the city of Frankfort shall be chargeable with, and liable to pay the levy imposed upon Franklin county by the County Court thereof, and are hereby excepted out of the operation of the 5th section of article 8d, of chap. 26, of the Revised Statutes, page 213.

§ 2. That the County Court of said county shall have power to impose a levy of not more than two dollars on each titheable of said county, including the city appraisal: *Provided however,* That the said court shall not have power to fix the rate aforesaid, or any other rate higher than the sum allowed by law, for a longer period than five years.

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§ 3. That said city of Frankfort shall be discharged from the support of the poor, and the same shall be chargeable to the county as before the Revised Statutes.

Approved February 17, 1858.

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#### CHAPTER 751.

##### AN ACT amending the city charter of Frankfort.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Mayor and Council of the city of Frankfort may tax bank stocks, bridge stocks, manufacturing stocks, or any other kind of stocks, money, bonds on cities or towns, or on any of the States or United States, and choses in action, all personal estate of every kind, not exempt by law from executions, belonging to citizens of said city of Frankfort, or any capital belonging to any corporation or citizens of any other place employed in said city, as they are now authorized by law to assess taxes upon real estate or slaves, and at the same per cent. on the hundred dollars of valuation; and they shall have power, if they deem it necessary, to increase the tax to any rate not exceeding one dollar on the hundred dollars of valuation, making the same rate on all taxable property, stocks, and other taxable subjects: *Provided*, That the stocks of banks incorporated by this State, and which are exempted by their charter from any tax other than the bonds or tax paid to the State, shall be exempt from the provisions of this section; and said Mayor and Council shall have power to prescribe time and mode of taking in the lists of all taxable property, stocks, &c., and of ascertaining the value thereof, applying the same rights of correction to such lists as are now provided by the charter and laws of said city for correction of assessments on real estate and slaves.

§ 2. That the Mayor and Council of said city shall have full power and authority to sell and convey, or mortgage, for the purpose of paying or securing the debts of said city, the Capital Hotel and grounds, with all the furniture belonging thereto, the Water Works, Gas Works, lands and lots, and every thing pertaining to either, as well as any other property belonging to said city: *Provided however*, That no sale shall be binding or valid until agreed to by order entered on the records of said city, and signed by at least three-fourths of the Council.

Approved February 17, 1858.

## CHAPTER 753.

AN ACT for the benefit of Carrsville and citizens, of Livingston county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the free white male inhabitants of the town of Carrsville, in the county of Livingston, be and they are hereby authorized and empowered to subscribe stock to an amount sufficient to build a branch railroad from Carrsville to the main trunk railroad leading from Henderson to Paducah; and the citizens of Livingston county between Carrsville and said main road, shall also be empowered to subscribe stock for the completion of said branch road; and all the provisions of the act incorporating the Henderson and Paducah railroad company, so far as applicable, shall apply to and govern in the formation of said branch road. This act to take effect from its passage.

Approved February 17, 1858.

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## CHAPTER 754.

AN ACT to establish and incorporate the town of Charlottesville, in Pulaski county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That one hundred acres of land, the property of Booker White, lying in the county of Pulaski, immediately below the junction of the Rockcastle with the Cumberland river, and on the north side of said Cumberland river, be vested in Booker White, Alexander R. McKee, Thomas Doolin, David Clarke, and George R. McKee, Trustees, for the purpose of laying off the same into lots, and erecting a town to be called the town of Charlottesville.

Town established.

Trustees.

§ 2. That said Trustees, or a majority of them, are hereby authorized, when to them it shall seem necessary, to lay off all or any portion of said one hundred acres of land into lots of convenient size, and sell the same either publicly or privately, for the best price that can be had, and upon such terms as they may deem expedient, for the use of said Booker White and his assignees, exempting from sale so much of said land, extending up the Rockcastle river, and down the Cumberland, above high water mark, as may be necessary for the establishment of a ferry or ferries across either or both rivers, not exceeding twenty-five poles in length either way, and fifty feet in width—the title to which, and the exclusive privilege of establishing a ferry or ferries across said rivers, with all the privileges appurtenant thereto, shall be and remain in the said Booker White and his heirs and assigns forever.

Lots to be laid off, &c.

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Public lot to be reserved.

§ 3. That said Trustees, in laying off the lots of said town, shall reserve one-half acre for the purpose of erecting a town hall, one-half acre for the purpose of erecting a Republican church, one-half acre for a male, and one-half acre for a female school, and a quantity of land, not less than one nor exceeding three acres, for a public cemetery or burying ground, and that the title to said reserved land shall be and remain in said Trustees and their successors, for the purposes and for the uses and trusts aforesaid, and for no other.

§ 4. That said Trustees and their successors are hereby declared and created a body politic and corporate, by the name and style of "The Trustees of the town of Charlottesville," and by that name may sue and be sued, contract and be contracted with, have a common seal, make by-laws, rules, and regulations for the government of said town, and the public property thereof, not inconsistent with the laws of this State nor of the United States.

Streets and alleys to be laid off.

§ 5. That said Trustees shall have said town laid off into lots, reserving streets and alleys and a public wharf, and file a plat thereof with the lots regularly numbered, and the reservations regularly designated by letters, in the office of the Clerk of the County Court of Pulaski, or such county to be hereafter erected as shall include said town, and they shall convey the same to the purchaser or purchasers, saving and reserving to all and every person or persons, bodies politic and corporate, their right and title either at law or equity, in and to the land aforesaid, as if this act had not been passed.

When Trustees to be elected.

§ 6. That whenever the free white male inhabitants of said town shall amount to the number of twenty-five, they may proceed to the election of a Board of Trustees, on the first day of May in each year, to hold their offices for one year, and until their successors shall be elected and qualified, but until such time the Trustees named in this act shall continue in office, and exercise all the rights and privileges, and perform all the duties conferred upon them, or assigned to them by this act; and in case of the death, resignation, removal out of the county, or refusal of any of the Trustees to act, the remaining Trustees are vested with full power to supply such vacancy or vacancies by other suitable persons for that purpose; and the Trustees so appointed shall have the same power as those appointed by this act.

President of Board to have power of Justice of the Peace.

§ 7. That the President of the Board of Trustees shall have the jurisdiction and power of a Justice of the Peace, co-extensive with the limits of said town, to try all civil and penal causes within the jurisdiction of a Justice of the Peace, and all breaches of the by-laws of said town, administer oaths, and do all other acts which a Justice of the Peace lawfully may do.

§ 8. Before said Trustees proceed to act, they shall take an oath to support the constitution of the State of Kentucky, and faithfully to perform their duties as Trustees of said town.

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Trustees to take oath.

§ 9. Any person or persons may sell to the Trustees of the town aforesaid any quantity of land adjoining the same not exceeding five hundred acres and they may incorporate the same within the limits thereof, subject to all the rules and regulations and entitled to all the privileges and immunities provided in this act.

Trustees may buy land, etc.

Approved February 17, 1858.

## CHAPTER 755.

AN ACT to incorporate the Hopkinsville and Princeton Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby created a body politic and corporate, under the name and style of the "Hopkinsville and Princeton Turnpike Road Company," for the purpose of building a turnpike road from the town of Hopkinsville, in Christian county, to the town of Princeton, in Caldwell county.

Name and style.

§ 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. That books for the subscription of stock shall be opened at such times and places as the Commissioners hereinafter named, or a majority of them, may deem advisable; and B. S. Campbell, R. T. Petrie, Joseph K. Gant, and G. B. Long, of Christian county; and Milton Dudley, Wm. Tinsley, and F. W. Urey, of Caldwell county, are appointed Commissioners. Said Commissioners shall procure and open at least one book in each of said counties, for the subscription of stock; they shall insert, in each of said books, and such others as they may deem proper to open, an obligation to the following effect: "We, whose names are hereunto subscribed, do respectively promise to pay to the President, Directors, and Company of the Hopkinsville and Princeton Turnpike Road Company, fifty dollars for each share of stock set opposite to our names, and pay the same at such times, and in such proportions, as the President and Directors may require after the same becomes due and payable. Witness our hands this — day of —." Which amounts shall be collectable in the proper courts.

Commissioners.

Obligation.

§ 4. That the provisions of an act to incorporate the Princeton and Eddyville Turnpike Road Company, approved March 10th, 1858, from and after the 5th section

Charter of another company made part of this.

1858.

thereof, including said 5th section, shall apply to the said Hopkinsville and Princeton Turnpike Road Company;" and the same are hereby incorporated into and made a part of the charter of said last mentioned company, as effectually and fully as if they were again expressly enacted herein, except that where the words or names Princeton and Eddyville occur the words or names Hopkinsville and Princeton shall be and are substituted.

Approved February 17, 1858.

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#### CHAPTER 756.

AN ACT to incorporate the Greenville Cemetery Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Corporations.**

**General powers and privileges.**

§ 1. That Edward Rumsey, Joseph Ricketts, Charles F. Wing, Edward R. Weir, Ellington W. Martin, B. E. Pittman, Jonathan Short, F. B. Hancock, Jesse H. Reno, and Charles Eaves, be and they hereby are made a body politic and corporate in law, under the style and firm of the "Greenville Cemetery Company;" and by that name shall be able and capable in law, to have and use a common seal, to sue and be sued, to plead and be impleaded, and do all such other things as are incident to a corporation. The said company shall have power to purchase any quantity of land in the county of Muhlenburg, not exceeding fifty acres, and receive a conveyance for the same, with such covenants of warranty as they may think proper. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a Cemetery and ornamental grounds connected therewith, and shall never be alienated, sold, or used by said corporation, for any other purpose than burial lots, as hereinafter prescribed. But the said corporation may permit the Superintendent or other officers, to use that portion of the grounds and buildings not sold for burial lots, for horticultural purposes, provided the same is used in a manner not inconsistent with the reverence and respect due the Cemetery of the dead. The said grounds, fixtures, shrubbery, and every thing growing therein, shall never be subject to State revenue, nor, after the ground has been fully paid for, be subject to be levied on or sold, by judgment, execution, or decree, for any debt or cause whatsoever. No road or passway shall be opened through said grounds, unless by the consent of the company. The said company may receive and take, by devise, bequest, or gift, any legacies or gifts that may be devised or given to them, to be appropriated solely and exclusively to the ornament and improvement of said Cemetery and grounds, and may vest in State or Bank stocks, or loan out any spare funds

that, from time to time, they may have, but they shall never exercise or attempt to exercise any banking powers.

§ 2. A majority of the above named persons, or of the survivors of them, shall have power and authority to appoint a Board of seven Trustees, who shall elect one of their own number as Chairman; said Trustees shall remain in office until their successors are qualified, and have power to fill any vacancies that may occur in their body, by death, resignation, or removal. The term for which the first Board of Trustees shall serve, shall be designated and limited by those who appoint them as above. After the first Board of Trustees have been appointed as above, and have qualified, they and their successors in office shall exercise all the corporate powers of the corporation. The seven Trustees shall afterwards be elected by a majority of the shareholders who vote, once in every five years, due notice of the time and place of voting being first given at the court house door and at the several churches in Greenville, and the election shall be conducted by judges appointed by the board then in office. The Trustees, thus elected, shall remain in office five years and until their successors are qualified. If any thing should prevent an election within the prescribed time, a majority of the Trustees in office shall have the power, and it shall be their duty, to call a meeting for, and cause an election of their successors, as soon afterwards as convenient. The Trustees shall at all times, have the power to fill any vacancy that may occur in the board by death, resignation, or removal. Death, removal from the county of Muhlenburg or resignation, shall vacate the seat of a Trustee. Four Trustees shall constitute a quorum for the transaction of business. Each person owning burial lots to the value of twenty-five dollars, shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of Trustees, but no person, or body corporate, shall be entitled to cast more than ten votes. When a share is vested in several persons, a majority of those present at the time of voting, in whom the legal title is to such share, shall be entitled to cast such vote. The Trustees shall keep a regular record of their proceedings, and of all sales, transfers, and disbursements, and shall always preserve an accurate map and survey of the grounds and lots, and have the same recorded in the Clerk's Office of the Muhlenburg County Court. Each Trustee shall, before he enters on the duties of his office, make oath before some officer competent to administer the same, that he will faithfully and impartially discharge the duties of a Trustee according to the best of his abilities, and will not be influenced in his conduct as Trustee, by sectarian or political partialities.

1858.

Board of Trustees to be appointed.

1858.

Duties of Trustees.

§ 3. As soon as the ground is purchased and the Trustees have qualified, they shall have power to lay out and ornament the same, and from time to time, alter, repair, and add such buildings and fixtures as may be necessary for the use or ornament of the Cemetery or grounds; and for this purpose, and for the purpose of defraying the incidental expenses of the corporation, shall apply the funds belonging to the same. They shall have power to lay off, sell, and convey burial lots, either at public or private sale; to make from time to time, by-laws and regulations for the control, management, and care of the Cemetery grounds and graves, and the mode of ornamenting the same, and regulate the mode in which bodies shall be interred, and make such other by-laws and regulations as may be necessary for the purposes of the corporation; they shall have full power to enter upon and remove any ornaments, fixtures, or shrubbery that may be placed on or around the graves against the by-laws or regulations of the corporation; they shall have power to appoint, from time to time, such Superintendent and other officers as they may think necessary, and take from them such bond as may be required. The proceeds of the sale of lots, and all money that may come to the corporation from any other source, shall be applied, first to reimburse those who may make advancements for the original outlay and purchase of the establishment, and shall afterwards, in all time to come, be applied to ornament and improve the ground and defray incidental expenses.

§ 4. When a burial lot is purchased, the Trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title. This title may be transferred according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend or pass by devise, as other real estate. Such lots shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the corporation.

Penalty for desecrating graves.

§ 5. If any person shall forcibly and without lawful authority, violate any of the graves of the dead, or deface any of the tomb-stones, monuments, or enclosures, shrubbery, fixtures, or buildings, or in any manner damage the grounds of the corporation, such person or persons so offending, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action, and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done.

§ 6. This act to take effect from its passage.

Approved February 17, 1858.

## CHAPTER 757.

1858.

AN ACT to incorporate Corinthian Lodge, No. 74, Independent Order of Odd Fellows.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That E. M. Stone, F. B. Green, Geo. M. Staley, Geo. W. Briggs, E. A. Potter, Henry Cline, Robert Dun, T. T. Summers, and their associates, be and they are hereby created a body corporate, by the name and style of "Corinthian Lodge, No. 74, of the Independent Order of Odd Fellows;" and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said Lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the constitution and laws of the United States, or of this State: The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved February 17, 1858.

## CHAPTER 759.

AN ACT for the benefit of Uriah Winchel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall and may be lawful for Uriah Winchel, of Grayson county, to raise his mill dam in Rough creek two feet higher than its present height: *Provided*, The entire height of said dam shall not exceed ten feet. The Legislature retains the right to amend, modify, or repeal this act, and to require said Winchel to reduce the height of said dam to eight feet.

§ 2. This act to take effect from its passage.

Approved February 17, 1858.

1858.

## CHAPTER 760.

AN ACT for the benefit of the Assessor of Hickman county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Assessor of Hickman county hereafter be allowed until the first of June, in each year, to return his book to the County Court. This act to take effect from its passage.

Approved February 17, 1858.

## CHAPTER 761.

AN ACT to amend an act creating the office of Inspector of Lumber in the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled, an act to create the office of Inspector of lumber in the city of Louisville, be so amended as to create the office of Measurer of Lumber in said city, instead of Inspector of Lumber.

Approved February 17, 1858.

## CHAPTER 763.

AN ACT to incorporate the Superior Council of the Improved Order of Red Men.

Whereas, Divers persons have associated themselves together for the purpose of benevolence generally, and especially to lend aid and assistance to needy members, and have adopted the name of the "Improved Order of Red Men," and have made for themselves a constitution and by-laws, and have elected, under the same, a Presiding and other officers, and three Trustees, whose term of office will expire on the 2nd Monday in July, 1858; and said association desire an act of incorporation. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporations.

§ 1. That Gregory B. Kitely, John B. Davis, of Louisville, and A. L. Frances, of Covington, and their successors, are hereby declared a body politic and corporate, under the name and style of the "Improved Order of Red Men," with power to sue and be sued, to contract and be contracted with, to plead and be impleaded, to have and to use a common seal, and the same to alter and renew at pleasure, and to have perpetual succession in their corporate capacity.

§ 2. That the capital stock of said association shall consist of fees of membership, and their monthly contributions as fixed by the constitution of the association, but that said capital stock shall never exceed the sum of ten thousand dollars.

1858.

Capital stock.

§ 3. The said association may purchase and hold real estate to carry out its objects, and may erect all necessary buildings and improvements on the same, and, if necessary, may sell and convey the same in such a manner as may be provided by their laws.

May hold real estate.

§ 4. The officers of the association shall continue in office until the 2nd Monday in July, 1858, when an election shall be held, and the same offices filled, and annually thereafter on that day. If a vacancy occur before the general election the same shall be filled according to the orders of the association.

Term of office.

§ 5. The said association may make such by-laws and regulations as may be necessary for their government, and the arrangement of their affairs, not inconsistent with the laws of this State, or with the United States.

May make by-laws, &amp;c.

§ 6. The fiscal affairs of said association shall be under the direction of three Trustees, and they may require the Treasurer and other officers of the association to give bond with security for the faithful discharge of their respective duties.

Trustees, &amp;c.

§ 7. The association shall have the right to locate, at any city or town within the Commonwealth, and shall have the power to grant charters to subordinate branch associations within the Commonwealth, not inconsistent with the provisions of this charter.

May grant charters, &amp;c.

§ 8. The association shall have power to do whatever is right and proper for carrying out the objects and purposes of its creation; and may, from time to time, alter and amend their by-laws, rules, and regulations.

General powers

§ 9. The Legislature reserves to itself the right to alter or repeal this charter at pleasure.

§ 10. This act shall take effect immediately after its passage.

Approved February 17, 1858.

## CHAPTER 764.

AN ACT to authorize the voters of Washington county, to vote on proposition to move county seat.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the County Judge of Washington county be and he is hereby directed to cause a poll to be opened in said county, at the next general election in said county, to take the sense of the people of said county as to the propriety

1858.

of moving the seat of justice of said county to the center thereof, or as near as practicable: *Provided further*, That said judge shall appoint five Commissioners, a majority of whom may act, neither of them shall live nor own property in or nearer than five miles of the present county seat, nor live nor own property nearer than five miles to the point that may be designated and agreed upon to be voted on under this act, whose duty it shall be to survey or take such steps as may be directed by the County Court of said county to ascertain and locate the point to be voted upon to move the seat of justice to, in said county, and make report of the same, describing and naming the point agreed upon to said court at least two courts before the day of election; and the said court shall direct and cause the Sheriff of said county to set up a written notice of that portion of the report, describing and naming the point to be voted upon at each voting place in said county, and at two other public places in each voting district in said county, at least thirty days before the election.

Approved February 17, 1858.

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#### CHAPTER 766.

AN ACT creating the offices of Police Judge and Town Marshal in the town of Franklin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

~~Offices created.~~ § 1. That the offices of Police Judge and Marshal are hereby created in the town of Franklin, in Simpson county.

~~By whom elect.~~ § 2. That the qualified voters of said town shall, on the first Monday in April, in the year 1858, and on the same day every fourth year thereafter, elect a Police Judge in said town, to serve for four years, and until his successor in elected and qualified.

~~Judge to be commissioned.~~ § 3. The Police Judge shall be commissioned by the Governor of the Commonwealth, and before he enters upon the duties of his office shall take the oaths prescribed by the constitution.

~~Jurisdiction of Judge.~~ § 4. In addition to the powers and duties conferred on a Police Judge or court by the Code of Practice and the Revised Statutes, and such as may hereafter be conferred by general law the Police Judge, so elected, shall have the powers and jurisdiction of a Justice of the Peace in civil cases, and shall have the same fees to which Justices of the Peace are entitled for similar services. But no civil process shall be returned before him, unless the defendant, or one of them where there are two, or a majority of them where there are more than two, resides in the

1858.

same district where the Police Judge resides. He shall have power to grant injunctions in all cases in which the County Judge is authorized to grant the same, and for each injunction granted shall be entitled to a fee of fifty cents, to be paid by the applicant, and taxed in the cost.

Fees, &amp;c.

§ 5. For issuing summonses, warrants of arrest, and *sub-penas* for witnesses, sitting upon trials, and for other services rendered under the by-laws and ordinances of the town of Franklin, he shall be entitled to such fees as the Trustees of said town may prescribe, to be taxed as cost; and the Trustees of said town are hereby empowered to regulate said fees, by an order of their board.

§ 6. That the qualified voters of said town shall, on the 1st Monday in April, 1858, and on the same day every second year thereafter, elect a Marshal for said town; to serve for two years, and until his successor is elected and qualified.

Marshal to be elected.

§ 7. The Marshal, before he enters upon the duties of his office, shall take the oaths required by the constitution, and shall give bond with good security to the Trustees of said town for the faithful discharge of the duties of his office. Said bond shall be made payable to said Trustees and their successors in office, to be by them approved, containing conditions similar to those now required by law to be contained in Constables' bonds; and any person injured by the official acts of said Marshal may sue or motion thereon as upon a Constable's bond, in the name of said Trustees for his use and benefit.

To take oath and give bond.

§ 8. That the Trustees of said town, so soon as said bond is executed, shall, by their Chairman, attest the same, and deliver it to the Clerk of the Simpson County Court, who shall record the same in his office in a book to be procured and kept by him for that purpose and shall carefully file and preserve the original; and for recording the same shall receive fifty cents to be paid by said Trustees. He shall give an attested copy to any person who may apply for the same, which copy, when so attested, shall have the same force and credit in all courts of justice as other records from said office; and the said Clerk shall be entitled to a fee of fifty cents therefor.

Bond to be recorded.

§ 9. Said Marshal shall, under the supervision and direction of said Trustees, perform the duties of town Assessor and Collector. He shall have the power and authority of a Constable, and may execute all process which may issue from any Justice of the Peace, or a County Judge; and in so doing shall be governed by the same laws, and liable to the same proceedings and penalties to which Constables are liable. He shall have such other powers and duties concerning the police of said town as may be conferred upon him by the by-laws and ordinances thereof, for rendering services concurrent with a Constable, he shall have Constables fees.

Duties of Marshal.

1858.

Fees, &amp;c.

By whom the election held.

Appeals may be taken.

When Judge to go into office.

Copy of record evidence.

How vacancy filled.

§ 10. For serving summons, warrants of arrest, *sub-penas* for witnesses, and other services under the by-laws and ordinances of said town, said Marshal shall be entitled to such fees as the Trustees of said town may prescribe; and said Trustees are hereby empowered to regulate said fees.

§ 11. The election of Police Judge and Marshal shall be held by the Trustees of said town, or by any two of them, under an order of the board; the Clerk of the Trustees shall act as Clerk of the election, or in his absence, the Trustees holding the election may appoint a Clerk. In holding said elections the said Trustees and Clerk shall be governed by the same laws and liable to the same penalties which apply to officers holding county and State elections in this Commonwealth, except as is herein provided. They shall make out and sign a certificate showing the result of said election, and hand the same to the Clerk of the County Court of Simpson, who shall immediately record the same in the book in which he is required to record the bond of the Town Marshal, and shall receive twenty-five cents for the same to be paid by said Trustees.

§ 12. The Clerk of said court, so soon as he receives said certificate, shall forward by mail to the Governor of the State an attested copy of the same, so far as the election of Police Judge is concerned.

§ 13. That from all judgments rendered by said Police Judge, either party shall have the right to appeal in the same manner, and in similar cases that appeals are permitted from judgments of Justices of the Peace.

§ 14. That said Police Judge shall enter upon the duties of his office as soon as he receives his commission and qualifies as provided herein. He shall keep a true record of all his official acts, and shall faithfully preserve the records of his office as a Justice of the Peace is required to do; and for a failure herein, shall be subject to the same penalty imposed by law upon Justices of the Peace; and shall deliver over to his successor all the official papers and records of his office, and on failure shall be subject to the penalties aforesaid.

§ 15. That a certified copy of the official acts, records, and proceedings of said Police Judge shall be evidence and have the same effect as records of Justices of the Peace.

§ 16. The said Police Judge shall act as Clerk of his court in civil and criminal proceedings.

§ 17. If a vacancy shall at any time occur in the office of Police Judge, the Trustees of said town shall hold an election to fill the same, in the manner heretofore prescribed, on a day to be fixed by them, of which at least ten days notice shall be given by written notices posted at least five

conspicuous places in said town. The person so elected, shall hold his office until the next regular election, and until his successor is qualified.

§ 18. The Trustees of said town shall have power to fill a vacancy in the office of Marshal until the next regular election thereafter.

§ 19. That said Police Judge and Marshal shall reside in said town, and the removal of either beyond its limits as prescribed herein for police regulations, shall vacate his office.

§ 20. That the qualifications of Police Judge shall be the same as a Magistrate's, and of the Marshal the same as a Constable.

§ 21. That for all purposes of police regulations, assessing and taxing property, such as Trustees may lawfully tax, and for improving the streets, such as are now open or may hereafter be opened by consent of the owners of the property, but for no other purpose whatever, the limits of said town of Franklin are hereby extended fifty-two poles in every direction beyond its present boundaries.

§ 22. That all persons who own real estate within said town, as extended in the foregoing section, and who are citizens of Simpson county, and qualified voters thereof, shall have the right to vote in all elections for the Trustees of said town.

§ 23. That all citizens living in the boundary of said town, as extended herein, and who possess the requisite qualifications, shall be eligible to the office of Trustees, Police Judge, or Town Marshal, and shall have the right to vote at all such elections.

§ 24. The Marshal shall enter upon the duties of his office so soon as he gives bond, and takes the oath of office, as herein provided.

§ 25. The Police Judge shall hold four courts in each year, in said town, for the trial of civil causes at such times as the County Court may designate, and said court is hereby empowered to fix the same.

§ 26. That the offices of Police Judge and Justice of the Peace, and the office of Town Marshal and Constable shall not be incompatible in the town of Franklin.

§ 27. That the provisions of this act shall only apply to the corporate limits of the town of Franklin and not to the county.

§ 28. This act shall take effect from and after its passage.

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Judge and Marshal to reside in the town.

Town limits extended.

Who may vote.

Who eligible to office.

When Marshal to go into office.

Judge to hold quarterly courts

Approved February 17, 1858.

1858.

## CHAPTER 767.

AN ACT for the benefit of James R. Hughes, of Union county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That James R. Hughes, former Clerk of the Union County and Circuit Courts, be and he is hereby authorized, from the passage of this act, two years, to list and collect all his uncollected fee bills as such Clerk of the Circuit and County Courts of Union county: *Provided*, That he shall be liable for any illegal fee bill issued by him as now provided by law.

Approved February 17, 1858.

## CHAPTER 768.

AN ACT to amend an act, entitled, an act to incorporate the town of Keysburg, in Logan county, approved January 23, 1837.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the right now vested in the County Court of Logan county to grant license to sell spirituous liquors in the town of Keysburg be and the same is hereby taken from said court, and vested in the Board of Trustees of said town: *Provided however*, Should said Trustees grant license to any one to sell spirituous liquors in said town the same tax, for said license, as now required by law, shall be paid to the Clerk of the County Court of said county before said license shall be granted.

Approved February 17, 1858.

## CHAPTER 771.

AN ACT for the benefit of Henry Forbes, Sheriff of Laurel county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Henry Forbes, Sheriff of Laurel county, be and he is hereby allowed the further time, until the second Monday in May, 1858, to return his delinquent list for the year 1857, and that the County Judge receive the same.

§ 2. This act shall take effect from its passage.

Approved February 17, 1858.

## CHAPTER 772.

1858.

AN ACT to amend an act, entitled, an act amending the city charter of Frankfort.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the act, entitled, an act amending the city charter of Frankfort, which passed the house February 9, 1858, and passed the senate February 16, 1858, be held to be in full force from and after its passage. This act to take effect from and after its passage.

Approved February 17, 1858.

## CHAPTER 774.

AN ACT to revive and amend the charter of the town of Lockport, in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all the privileges conferred upon the citizens of the town of Lockport, in Henry county, by an act approved March 9, 1854, incorporating said town, may be enjoyed by them hereafter, in as full a manner as if they had heretofore elected their officers and fully organized under said act of incorporation; and they are hereby authorized to make election for Trustees on the first Saturday in April next, and regularly thereafter on said day in each year, under the same rules and regulations as provided for in the act of which this is an amendment; such other officers as provided for in said act of incorporation may be by the Trustees of said town appointed as therein provided for, with all the power, and subject to all the provisions of said charter.

§ 2. The citizens of said town may elect a Town Marshal at the same time of the election of the County Judge for the county of Henry, who shall hold his office for the term of four years from his election, and until his successor is elected and qualified, whose duties and powers shall, within said town, be the same as a Constable; he shall execute bond to the Trustees of said town for the faithful discharge of his duties, and be entitled to such fees as are allowed Constables for similar services, and with the same responsibilities for failure to do his duty, or for malfeasance in office.

§ 3. The citizens of said town may, on the same day on which County Judges in Henry county are elected, also elect a Police Judge for said town, to serve for two years after his election, with the power of a Justice of the Peace within said town, and subject to the same penalties for malfeasance in office that Justices of the Peace now are; and each two years thereafter, at the same time

1858.

that Justices and Marshal are elected, they may elect their Police Judge. He shall keep a record of his official acts, and carefully preserve all papers filed with him, and his records shall at all times be opened to the inspection of the Trustees of said town.

Approved February 17, 1858.

## CHAPTER 775.

AN ACT to amend the charter of the town of Cynthiana.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Trustees of the town of Cynthiana are hereby authorized to levy a tax sufficient to grade and McAdamize each road leading into said town for one half mile from the town limits; that in levying said tax each species of property which is now subjected by the laws of said town for town purposes shall be assessed; and that said tax, when collected, shall be sacredly appropriated to the grading and McAdamizing of said roads, as aforesaid.

§ 2. Before any such tax shall be assessed the Trustees of said town, after having given public notice at least twenty days previous thereto, shall have opened and held a poll and taken the vote of each qualified voter thereof, for and against such tax; and if a majority of all the qualified voters thereof shall have voted in favor of such tax, then the Trustees of said town may levy the same for the purposes set forth in the first section of this act.

Approved February 17, 1858.

## CHAPTER 776.

AN ACT for the benefit of John Paget.

Whereas, It is represented to the present General Assembly that Mary Paget, daughter of John Paget, was born an Idiot; she is now twenty-seven years of age; that she is so entirely idiotic as to have no idea of cleanliness, and is exceedingly troublesome requiring every office necessary to an infant; that John Paget and the Mother are old, and the Mother is very infirm, and of necessity they have to hire aid. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That, upon proof being made in the Circuit Court of Hardin or Meade counties, that the said Mary Paget is alive, still an Idiot, and that she is comfortably provided for by the said John Paget, the Judge of either of said

courts in which county he may reside to make an allowance, not exceeding ninety dollars per annum, payable out of the public treasury of the State of Kentucky.

1858.

Approved February 17, 1858.

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CHAPTER 779.

AN ACT to amend the charter of the Eminence Mutual Insurance Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the twelfth section of the act, entitled, "an act to charter the Eminence Mutual Insurance Company, approved March the 10th, 1854, and organized in April, 1856, be and is hereby so amended as to read as follows: "Said company may make insurance for any term not exceeding ten years; any policies of insurance signed by the President, and countersigned by the Secretary be deemed valid and binding on said company in all cases where the insured has a deed with a clause of general warranty of title, free of any incumbrance, to the buildings insured, and to the lands covered by the same, but if the insured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the assured, and the incumbrances of the premises, be expressed therein."

§ 2. This act shall be in force from its passage.

Approved February 17, 1858.

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CHAPTER 780.

AN ACT for the benefit of the Providence Bank of Rhode Island.

Whereas, It is represented to this General Assembly that the coupons for interest due the 1st Monday of January, 1857, on the following nine bonds of the State of Kentucky, to-wit: Nos. 201 and 404, dated June 4th, 1838—the first for two thousand dollars and the second for one thousand dollars; No. 521, dated April 19th, 1841; No. 1,191, dated April 1st, 1842; No. 1,359, dated November 22<sup>nd</sup>, 1842; No. 1,284, dated September 28<sup>th</sup>, 1842; No. 1,323, dated October 7<sup>th</sup>, 1842; No. 1,390, dated December 14<sup>th</sup>, 1842; No. 1,425, dated April 3<sup>d</sup>, 1843; all for one thousand dollars each, and payable in thirty years after date, were cut off from said bonds, and have been accidentally lost and destroyed; and that said coupons, amounting in the aggregate to the sum of three hundred dollars, are unpaid, and were, at the time of their loss, the property of the Providence Bank of Rhode Island. Now, for remedy thereof,

1858.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That upon the Providence Bank of Rhode Island executing bond with good security, resident within the State of Kentucky, to be approved by the Commissioners of the Sinking Fund, conditioned to indemnify and save harmless the State of Kentucky from all loss or payments on account of the coupons of interest aforesaid, the said Commissioners are hereby authorized to pay to said bank the said sum of three hundred dollars in full satisfaction of said coupons.

§ 2. That before any such payment shall be made, said bank shall file with said Commissioners the evidence of the loss and ownership of said coupons, and no payment shall be made unless they are satisfied of such loss and ownership as above represented.

Approved February 17, 1858.

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#### CHAPTER 781.

AN ACT appropriating money to Charles Hambleton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of Public Accounts be and he is hereby directed to draw his warrant on the Treasurer for the sum of twenty-five dollars, in favor of Charles Hambleton, it being the amount improperly paid by him for tavern license in the years 1852 and 1853. This act to take effect from and after its passage.

Approved February 17, 1858

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#### CHAPTER 783.

AN ACT to incorporate the Kentucky River Navigation Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporators.

§ 1. That Wm. O. Butler, Wm. Root, Charles Dean, Harry Pryor, Richard Butler, and George Gullion, of the county of Carroll; E. F. Nuttall, H. Marshall, Danl. Brannin, Chas. Abrams, Silas Hunt, Caleb Matthews, George M. Jessee, Charles Lecompte, John James, Frank Gross, Washington Perry, and Simpson London, of the county of Henry; Sidney Rowlett, Dennis Burns, L. Prentiss, A. P. Grover, Hiram Kelsey, A. M. Rige, Wm. Blanton, G. Garnett, J. Q. Baker, E. Arnold, and Wm. Claxon, of the county of Owen; Samuel Steele, D. S. Crockett, J. P. Reading, Jacob Swigert, Scott Brown, J. M. Quarles, Mason Brown, H. I. Todd, John A. Holton, Dennis Onan, P.

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Swigert, John H. Hanna, J. B. Temple, E. H. Taylor, A. G. Hedges, and Peter Dudley, of the county of Franklin; J. V. Munday, Thomas M. Cogar, David Thornton, W. S. Buford, James McKee, Thomas Porter, Warren Viley, W. L. Graddy, Isaac Wilson, Thos. W. Sellers, R. C. Graves, Hiram Willhoit, Edward Berryman, Wiley Mountjoy, and Josiah Felix, of the county of Woodford; Tucker Woodson, T. T. Cogar, James C. Wilmore, Marion Brown, Jas. H. McCampbell, Gervis H. Chrisman, A. L. McAfee, Richard S. Ferguson, George Cleveland, Andrew Hemphill, Thomas Scott, Durcas Miller, Dudley Portwood, George Scott, Joseph Bradshaw, Matthew Campbell, Gavin Stull, George W. Mitchell, Nat. Welch, and John Perry, Jr., of the county of Jessamine; James B. Clay, G. W. Sutton, Thomas Hughes, Jacob Embry, Leslie Combs, W. A. Dudley, Col. Thomas H. Shelby, Charles S. Bodley, J. A. Grinstead, John G. James, David A. Sayre, John B. Tilford, —— Pruitt, John Norton, and James O. Harrison, of the county of Fayette; Theodore Kohlhase, Thos. H. Moore, C. C. Eubank, E. T. Taylor, Fielding Bush, S. A. B. Woodford, James Flanagan, John E. Lisle, Claiborne Lisle, Abram Merritt, and William B. Keas, of the county of Clarke; A. A. Curtis, Isaac Mize, S. M. Barnes, H. H. Thomas, Oliver Crawford, Richard White, Harry Moore, Anderson Hamilton, Logan Cockerill, A. G. Rankins, Green B. Kelly, John P. Harris, and Pompey Herndon, of the county of Estill; Hiram McGuire, Wm. Smallwood, R. B. Jamison, Sam. Beatty, John G. McGuire, Jacob Hawerton, and Luther M. Brawner, of the county of Owsley; John Chambers, Wm. Arnold, Samuel Shearer, Waller Chenault, Christopher Arvine, Daniel Breck, Thomas Richardson, W. C. Goodlos, Hezekiah Oldham, John Stephens, Samuel Bennett, Jesse Cobb, Thomas Broaddus, W. W. Bentley, G. W. Branaugh, and J. S. Million, of the county of Madison; Gabriel Salter, Hilery Gibbs, Chas. Bowman, Thomas Salter, Richd. Robertson, Joshua Dunn, Squire Level, John Burnsides, Jefferson Dunn, Hall Anderson, Charles Spillman, and Clayton Anderson, of the county of Garrard; Charles Caldwell, Anderson Rice, Alfred Cowan, Charles Worthington, and Jack Davis, of the county of Boyle; W. J. Moberly John R. Bryant, Samuel M. Jones, Peter Dunn, Wm. L. Vance, J. G. Handy, John H. Grimes, Milton McCann, W. A. Cook, Robert M. Davis, Dudley Bowman, A. G. Kyle, James Taylor, Felix J. Matheny, James S. Taylor, and William Palmer, of the county of Mercer; Matthew Skelton, David Bond, James Ripley, J. H. Hickman, S. Mountjoy, C. H. Fenwick; F. W. Penny, O. C. Egbert, John Draffin, C. Dawson, and W. F. Leathers, of the county of Anderson, and their associates, be and they are hereby incorporated and made a body politic, of the name and style of the Kentucky River Navigation Company.

Name and style.

1858.

may remove any trees on the bank, between high and low water mark, that may be injurious to the navigation. Whenever the possession of any lands or materials may become necessary for the construction of said work, the said company may purchase the same, or in case of disagreement as to the value thereof, may summon a jury to condemn the same in the manner provided in the Revised Statutes. The said company shall be liable for the overflow of any lands, caused by the construction of their works; and the damages for such overflow, shall be agreed between the owner of such lands and the company, or may be assessed by a jury summoned in like manner, upon the application of either party. The power to purchase and hold such coal, mineral and timber lands as may be desirable, is hereby conferred upon said company.

County Courts  
may take stock.

§. 9. That the County Courts of the several counties bordering upon the Kentucky river, or interested in its navigation, may, on the application of the corporation named in the first section, or of the directors of said company, after its organization, a majority of all the Justices of the Peace being present, subscribe stock in said company, and levy a tax on all the taxable property of said county, sufficient to pay the whole amount of said subscription in them, three years from the time it was made, which tax shall be collected in all respects as taxes for State revenue is now collected: *Provided*, That no tax shall be levied by the County Court of any county to meet such subscription until at least four hundred thousand dollars is taken in stock by the several counties, or some of them, named herein, or by individuals or both: *Provided further*, That the County Courts of Madison and Garrard be exempted from the foregoing provisions of this section, but said courts shall, on the application of the corporators named in the first section, or of the Directors of said company, after its organization, order a vote to be taken in said counties, and at a general election, as to the propriety of a subscription by said counties to the stock of said company. The application to said County Courts shall state the sum which the counties of Madison and Garrard are expected to subscribe, not exceeding, in any event, one per cent. on the assessed valuation of such counties. If a majority of the votes cast shall be in favor of the subscriptions, said counties shall make the same, and shall, thereupon, proceed to levy a tax on all the taxable property of said counties, sufficient to pay the whole amount of said subscriptions within three years from the time it was made.

May borrow  
money.

§ 10. The Directors may borrow money upon the credit of the company, and may mortgage its franchises and property for its repayment; but any mortgage, so executed,

shall be subject to the prior claim of the Commonwealth for rent, as provided in the sixth section. The indebtedness of the company shall, at no time, exceed the capital subscribed.

§ 11. If any person or persons navigating the waters of the Kentucky river, or its tributaries, within the influence of the improvements of said company, shall fail or refuse to pay the tolls fixed by the by-laws of said company, as herein authorized, the person or persons so offending shall forfeit and pay, to the use of said company, three times the amount of such tolls, to be recovered by civil action in the name of said company. If any officer of a vessel navigating said waters shall knowingly and wilfully present, or cause to be presented, to the agents of said company, a false manifest of his passengers, or of the articles composing the cargo of such vessel, with intent thereby to defraud said company, he shall, on conviction thereof, forfeit and pay to the company, a sum not exceeding five hundred dollars, to be recovered by civil suit. If any person or persons shall wilfully and maliciously injure any of the works constructed by said company, the person or persons so offending shall, on conviction thereof, be fined not less than fifty dollars, nor more than five hundred dollars, and be imprisoned in the discretion of a jury, beside being liable to a civil action for any damages that may result from such injury to said company.

§ 12. This act shall take effect from its passage. The works contemplated by this act, shall be commenced within three years, and be completed within ten years from their commencement.

Penalty for refusing to pay tolls, &c.

Approved February 17, 1858.

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#### CHAPTER 784.

##### AN ACT concerning the Lexington and Danville Railroad Company.

Whereas, it is represented to this General Assembly that the President and Directors of the Lexington and Danville Railroad Company have appropriated their private means to a large amount, and their credit, in order to pay the floating debts, and for all labor performed on said road; and inasmuch as it is very desirable to save said road from sacrifice, by a sudden forced sale, by the holders of its bonds, or by said President and Directors, in order to secure the debts due to them, or by them to others; and inasmuch as the counties of Fayette, Jessamine, and Boyle have subscribed and paid to said company more than five hundred thousand dollars as stock. Therefore,

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*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Fayette Circuit Court be authorized, on the application of the President and Directors of said company, or of any creditor by petition filed, to entertain full jurisdiction in law and equity over the debts and assets of the said company, and make all necessary orders to do justice, and prevent the unnecessary sacrifice of said road, and its rights and property, to summon all persons indebted to said company for stock, or in any other way, and give judgments for the payment of such debts as may be right, subject to appeal as in other cases; and in case a sale of said road and its rights, property and franchises, to pay its debts, may be found necessary, then such sale shall be ordered, on reasonable credits, considering the value of the estate and its debts; and the counties of Fayette, Jessamine, and Boyle shall have the right, jointly or separately, to purchase said road and all its property, rights, and franchises; and in case they fail or refuse to do so, the city of Lexington shall have the right and power to do so: *Provided*, That neither of said counties shall make such purchase, jointly or severally, unless a majority of all the Justices of the County Court of such county shall first pass an order to that effect, nor shall said city of Lexington purchase the same except by the order of a full majority of the City Council.

§ 2. In case the said counties, or either of them, shall make such purchase, the County Court of such county, a majority of all the Justices being present, shall levy a tax to pay for the same on all the property in said county, subject to taxation, which shall be collected as the railroad tax in said counties is collected, and for the same compensation. The same provision shall apply to the city of Lexington; and in case of purchase, the purchaser shall be invested with all the rights and powers now vested in said company.

Approved February 17, 1858.

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#### CHAPTER 785.

AN ACT to incorporate Springdale, in Henderson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a town be and the same is hereby established in Henderson county, upon the land, of Powhatan M. Robertson, Elijah G. Sebree, William H. Scott, and Charles Seymour, to be called and known as the town of Springdale.

§ 2. That the said proprietors shall, within six months, have a plan of said town made of record in the office of the Clerk of the Henderson County Court.

Approved February 17, 1858.

## CHAPTER 786.

AN ACT to authorize transfer of records from Hickman to the office of the Clerk of Fulton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the passage of this act it shall and may be lawful for the Clerk of the Fulton County Court to record, in the proper book in his office, any copy of a deed, mortgage, or other paper evidencing title to land situate in Fulton county, which may now be found of record in the County Clerk's office of Hickman county: *Provided however,* That no such deed, mortgage, or other writing shall be recorded by the Clerk of the Fulton County Court unless the same be certified by the Clerk of the Hickman County Court to have been truly, faithfully, and fully transcribed as the same is found recorded in his office.

§ 2. That hereafter, in all the courts of this Commonwealth, the deeds, mortgages, or other writing recorded in Fulton county, agreeably to the provisions of this act, shall be regarded and held for all purposes of evidence or other thing, to the same extent and no further, as the same would be entitled to be regarded if copied from the records of the Hickman County Court.

§ 3. The Clerks of the Hickman and Fulton County Courts shall be entitled to the same fees, for the performance of the duties required of them by this act, as they are entitled to demand for like services in similar cases.

Approved February 17, 1858.

## CHAPTER 787.

AN ACT to authorize the transcript of certain records in the Harlan county Surveyor's Office.

Whereas, it appears to the satisfaction of the present General Assembly of the Commonwealth of Kentucky, that the late Surveyor of Harlan county failed to record in properly bound books, a considerable number of surveys—recording the same on common sheets of paper—these records, now in said office, and in the care and keeping of the present Surveyor of said county, being continually liable to be mutilated or destroyed. For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Jonathan Smith, the present Surveyor of Harlan county, be and he is hereby authorized to transcribe all such records of said office, whether they be entries or surveys, not now recorded in properly bound books, and place them on record books properly bound, and that he be allowed for his services, by the Harlan County Court,

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the same fees as now allowed for copying surveys and entries, and also a fair allowance for indexing the same, which said court shall order to be paid out of the land fund of said county, if there be sufficient money pertaining to said fund, or if said fund be insufficient, then out of the county levy; and before said court shall order the payment of the transcript the Presiding Judge of Harlan County Court shall examine the whole transcript, and, on finding it correctly transcribed, shall make out a certificate thereof, and enter the same upon said records, signing the same officially, and said record shall ever after be regarded in law as valid.

§ 2. This act shall be in force from the date of its passage.

Approved February 17, 1858.

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#### CHAPTER 790.

AN ACT for the benefit of George Gist.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the further time of two years, from and after the passage of this act, be given George Gist, Judge of the Montgomery County Court, to issue and have his fee bills collected: *Provided*, That he shall be subject to all the laws now in force against issuing and collecting illegal fee bills.

§ 2. This act to take effect from its passage.

Approved February 17, 1858.

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#### CHAPTER 791.

AN ACT to change the boundary lines of Precinct No. 2, in Franklin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the boundary line of precinct No. 2, in Franklin county, be and the same is hereby changed as follows: To begin at the mouth of Stedman's lane; thence down the Georgetown and Frankfort Turnpike Road to its intersection with the Frankfort, Versailles, and Lexington Turnpike Road; thence up said road to Vaughan's old lane; thence with the lane till it passes the farms of John Carter and Thomas Jett; thence to the Frankfort, Versailles and Lexington Turnpike Road to the point where it strikes the line between the counties of Franklin and Woodford, including the farms of said Carter and Jett, and Alvin W. Cromwell.

§ 2. All persons living within the said boundaries in said precinct No. 2, as above defined, possessing the qualifications required by law, shall be entitled to vote therein.

§ 3. This act shall take effect from and after its passage.

Approved February 17, 1858.

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CHAPTER 792.

AN ACT to incorporate the Henry county Mutual Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. A. Perry, Daniel Brannin, Geo. C. Drane, J. N. Webb, Wm. S. Pryor, Thomas Rodman, R. L. Owens, Ambrose O'Bannon, Nicholas Smith, G. M. Mathews, and all other persons who may hereafter become members, be and they are hereby incorporated and made a body politic, by the name of the Henry County Mutual Insurance Company, for the purpose of insuring their respective dwelling houses and houses thereto belonging, and such stores or places of trade or business as may be kept by them, and their household furniture, and such other house as they may see fit, fixtures, and merchandise against loss or damage by fire, under the rules and restrictions set forth in the following articles of incorporation; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell, convey, or dispose of at pleasure; may make, establish, alter, and put in execution such by-laws, ordinances, and resolutions, not being contrary to the laws of this State, nor of the United States, as may seem necessary for their regulation and government, and for the management of their affairs, and do and execute all such things as may be necessary to carry into full effect the purposes intended by this charter.

corporators.

Name and style.

Powers, &c.

§ 2. That all and every person or persons who shall at any time, become interested in said association, by insuring therein, and also their respective heirs, as hereinafter provided and limited, shall be deemed and taken to be members thereof, and shall at all times be concluded and bound by the provisions of this act.

Who are members.

§ 3. The following officers shall be elected yearly by the association, viz: A President, Vice President, Secretary, and Treasurer. They shall be chosen by ballot; and a plurality of the votes present shall be required to elect. Provision may be made by the association for filling vacancies occurring in any of those offices; and a standing

officers may be elected.

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committee for valuation shall be appointed yearly by the President, or in his absence by the Vice President, whose duty it shall be as hereinafter set forth.

<sup>\*Fees for membership.</sup>

§ 4. Immediately after the association has received its charter each and every member shall pay to the Treasurer of the association a sum equal to one-half of one per cent. of the amount for which his protector is to be insured, as a fee for membership, which sum shall be set apart by the company to defray its necessary expenses, and shall execute his promissory note, payable to the company, for the amount of his insurance, to be paid by the insured to meet his proportion of the losses only, and in no other way; and the sum which each one has to pay by way of indemnity to any member for a loss by fire is not due until after such loss.

<sup>Losses, how to be paid.</sup>

§ 5. Each and every member shall pay in to the Secretary of this association his proportionate part of the indemnity against any loss from fire within sixty days after such loss has happened, and should any member not do so within such time, or three days thereafter, this association may institute an action in any court having jurisdiction against any member so failing to pay, for the amount due by such member, and may expel him from the association, and from all of its rights and privileges; and each member of the company is required to pay his proportion of the losses sustained, although the same may exceed the amount of the note executed by him to the company.

<sup>Business confined to Henry county.</sup>

§ 6. The business of the association shall be confined to Henry county, and shall in no case insure property, unless the same belongs to the person insured, and no property shall be insured for more than two-thirds of the value at the time the insurance is effected or renewed. This clause shall not prevent the company from insuring the contents of a building to one person and the building to another.

<sup>Committee to fix rates, &c.</sup>

§ 7. A standing committee, as provided in section third hereof, shall be appointed, to estimate the value and fix the rates of insurance; and the valuation may be repeated as often as may be deemed necessary, after the admittance of a member of the association. And the members of the committee shall obligate themselves, before the President of this association, and a Justice of the Peace, by an oath, and faithfully to perform their duties.

<sup>Losses—how amount to be determined.</sup>

§ 8. Every member who has suffered a loss by fire shall be indemnified according to the valuation of the committee; but if the assured and the committee cannot agree each party shall choose two impartial members, and the four members thus chosen shall fix the valuation, and their decision shall be final.

§ 9. Every member suffering a loss from fire shall give notice thereof as soon as possible, either personally or through another member to the Secretary; he must, also, as soon as possible, report to the Secretary the cause of the fire, and the value of his property burned or injured by the fire, and must, on demand, make oath to the truth of his report before a Justice of the Peace, and the Secretary or the committee of valuation; and if the report be found correct his indemnity shall be paid to him unless, on investigation, it is found that the fire was caused by the negligence of the assured, or by his willful or deliberate act and intent; in either of which events all claim on this association, resulting from the loss, shall be forfeited.

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Notice of loss  
to be given.

§ 10. In valuing and fixing the rates and estimates of such houses as are situated less than thirty feet from the following described buildings, the taxation and estimates of rates are to be regulated by the risk; and when that is too great such houses shall not be insured by this association.

§ 11. The following named buildings, and classes of buildings, are recognized as dangerous, and liable to fire, viz: The workshops of carpenters, cabinet-makers, chair, coach, pattern, and pump makers, coopers and wagon makers, and all of that class; those of brewers, bakers, dyers, rope-makers, printers, and manufacturers of matches, smith shops, and iron and other founderys, all kinds of oil factories, and oil mills, distilleries of liquors, and all establishments of like kind, with those enumerated, and no insurance shall be effected on leased ground, unless the lease shall have two years to run.

What property  
shall not be in-  
sured, &c.

§ 12. Any alteration or improvement of a house insured by this association, which increase the risk from fire, and renders it more hazardous, shall make the insurance on the house void and of no effect, unless the same shall be notified to the Secretary, but no alteration which does not increase the risk or hazard shall affect the insurance.

How policy may  
be forfeited.

§ 13. If a fire shall occur from the carelessness of the assured, in the sale or use of gun-powder or any other combustible, or in the use of fire or lights, the assured thereby shall forfeit all claim and right of indemnity from this association resulting therefrom.

§ 14. Every one wishing to insure in this association shall make known to the President or Secretary the location of his house, and after his admission shall pay to the Treasurer his membership fee as stipulated in section four hereof, in return for the receipt of which, by the Treasurer, the Secretary must give his certificate of membership, signed by the President and Secretary.

How policies to  
be taken out.

1858. further amended, as that the privilege therein, granting the right of members or stockholders to vote by proxy for the officers of said association, that the same be rescinded so far as that privilege applies to the said members or stockholders residing within the city of Louisville and Jefferson county, except in instances of female membership; that they, with those of the general membership without the limits above prescribed, shall continue to enjoy, as heretofore, the rights and privileges of voting as granted in said act of 7th March, 1854: *Provided*, That this act shall not take effect until it shall have been voted upon at a general or called meeting of the stockholders of said association, and adopted by a majority of all the stockholders voting, as now provided by law.

Approved February 17, 1858.

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#### CHAPTER 796.

AN ACT to incorporate the Owensboro' Printing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company is hereby created into a body politic and corporate, with perpetual succession, by the name and style of "The Owensboro' Printing Company," for the purpose of establishing a printing press and printing house in the town of Owensboro', and to carry on the business of printing and publishing such periodicals, books, pamphlets, and all description of printing, as they may choose.

§ 2. That the capital stock of the company shall not exceed twenty thousand dollars, to consist of shares of twenty-five dollars each. T. C. McCreary, W. C. Norris, W. N. Sweeney, F. M. Daley, Clinton McClarty, J. W. Moseley, John Lancaster, Edmond Hawes, Gibson Taylor, and J. B. Watkins, are appointed Commissioners herein, to open books and receive subscriptions of stock in said company, any two or more of whom shall, as soon as practicable after the passage of this act, open books for the subscription of stock in said company, in the town of Owensboro', and at such other places as they may think proper, with the following covenant in substance written in such books, to be subscribed by the stockholders: "We, whose names are hereunto subscribed, each promise to pay to the President and Managers of the Owensboro' Printing Company, the sum of twenty-five dollars for each and every share of stock set opposite our names respectively."

§ 3. The officers of the company shall consist of a President, five Managers, Clerk, and Treasurer, and such other officers as the company may, from time to time, find it

necessary to appoint to carry on the business of the company. The President and Managers to be elected annually by the stockholders, each stockholder having one vote for each share of stock he may own in the company.

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§ 4. The said Commissioners, or any two or more of them, as soon as there shall be subscribed on the books of the company forty shares of stock, shall hold an election in the town of Owensboro', for President and Managers; but they shall, before holding such election, advertise the time and place of holding the same in all the papers published in said town of Owensboro' at least for two weeks previous thereto.

§ 5. The President and Managers shall have power to appoint the Clerk, Treasurer, and such other officers as the business of the company requires. And to take from the Treasurer, bond with good security, in such penalty as may be necessary to secure a faithful performance of his duties; they shall have power to enact all by-laws and rules for the government of the company which may be necessary: *Provided*, The same is not inconsistent with the constitution, with the laws of the Commonwealth; to purchase and receive and hold title to any real estate not exceeding ten thousand dollars in value, for the purpose of carrying on the business of printing and publishing.

§ 6. This act to take effect from and after its passage.

Approved February 17, 1858.

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#### CHAPTER 797.

AN ACT to incorporate the Lieder Kranz Society, of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a corporation is hereby established, by the name and style of the "Lieder Kranz Society of the city of Louisville;" and by this name shall have perpetual succession, and have power to take and hold real and personal estate not exceeding, in value, five thousand dollars, and to sell, exchange, and convey the same at pleasure; to sue and be sued, plead and be impleaded, defend and be defended in any court of law or equity in this State; and to have and use a common seal, and the same to renew or alter at pleasure.

§ 2. The sole object of this society shall be the cultivation of skill and diffusion of taste in music.

§ 3. The affairs of this corporation shall be managed by a President, Vice President, Secretary, Corresponding Secretary, Librarian, Comptroler of Accounts, and a Treasurer, who shall hold their offices for six months, or until their successors shall be appointed.

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§ 4. The musical government of this society shall be vested in a Director and Assistant Director, who shall hold the offices for one year.

§ 5. This corporation shall have power to make such rules and by-laws for the promotion of the objects of this act as are not contrary to the constitution and laws of this State or of the United States, and shall have them recorded by the Secretary in a book to be kept for that purpose.

§ 6. The said corporation shall have power to divide the members into classes, and to assess and levy annual contributions from the members; to commute for such annual contributions by a gross payment, and to enforce the payment of such contributions or gross sums.

§ 7. That the character, duties, and rights of the several classes, the powers and functions of the officers the mode of supplying vacancies, the times of meeting, the number that shall constitute a quorum at the meetings of the members, and all other concerns of the corporation, shall be regulated by the by-laws.

§ 8. The General Assembly reserves the power to amend or repeal this act.

Approved February 17, 1858.

#### CHAPTER 798.

AN ACT for the benefit of Socrates White.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor be directed to draw his warrant on the Treasury, payable out of the school fund, for the amount due Socrates White, for teaching a school under the common school laws, in school district No. 19, in the county of Wayne, during the years 1853 and 1854. This act shall take effect from and after its passage.

Approved February 17, 1858.

#### CHAPTER 799.

AN ACT to extend the corporate limits of the town of Livermore.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the corporate limits of the town of Livermore, in McLean county, be and the same are hereby extended and enlarged from its present limits, northward, eastward, and westward, so as to include the residences of Wm. Brown, Mrs. Davis, James Stevens, the property of Dr. James Jones, Hoskinson & Jewell, John W. Bell,

Hig. Riley, Wm. Buley, John Robertson, and the residences and property of all others from Wm. Brown's on the north, Dr. Jas. Jones' on the east, and John Vanhorn on the west, including them.

§ 2. This act to take effect on its passage.

Approved February 17, 1858.

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#### CHAPTER 802.

AN ACT for the benefit of Daniel Higgins, late Sheriff of Breathitt county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Daniel Higgins, late Sheriff of Breathitt county, be and he is hereby allowed the further time of two years, from and after the passage of this act, to collect his fees and wind up his said sheriffalty; and that said Higgins shall be under the same liability for issuing or collecting illegal fee bills as Sheriffs in office are by existing laws.

§ 2. That this act shall take effect from its passage.

Approved February 17, 1858.

#### CHAPTER 803.

AN ACT to authorize the settlement of certain estates and guardianships in Taylor county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the County Court and Circuit Court in Taylor county shall have jurisdiction to settle all unsettled estates as is now provided by law for the settlement of decedent estates, of all persons who died in the present boundary of Taylor county before its formation, and upon whose estates administrators have been appointed and qualified, or executors qualified in Green county; and said courts in Taylor county shall have like jurisdiction to settle with guardians who qualified as such in Green county, and now live in Taylor county; and it shall be the duty of the Green County Court, when called upon by any surety upon such administrator's, or executor's, or guardian's bond, or any other person interested, to make an order transferring all the business of such estate or guardianship to the County Court of Taylor county, and thereupon it shall be the duty of the Clerk of the Green County Court to deliver all the original papers, together with a certified copy of all the orders in the cause to the Clerk of the Taylor County Court, and then the estate or guardianship shall be settled in all respects in the courts in Taylor

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county, as though the estate had been originally administered upon, or the guardian had been appointed in Taylor county.

§ 2. This act shall be in force from its passage.

Approved February 17, 1858.

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CHAPTER 804.

AN ACT to provide for the building of a fire proof Clerks' office in Russellville, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Logan County Court shall have authority, at its next April term, a majority of the Justices being present, to make provision for the erection of a commodious substantial, and safe fire-proof Clerk's office in and for said county, for the use and preservation of the Circuit and County Court records of said county; and that for the purpose of accomplishing said object, the said court may sell and convey the old Clerk's offices in said county, or rent the same, at their discretion—the deed, if sold to be signed by the Presiding Judge of the court, and countersigned by the Clerk thereof.

§ 2. That the court may purchase a lot for the purpose above specified, and have the same conveyed to the said court for the uses aforesaid.

§ 3. That the proceeds of the said sale or rents shall be applied to the lessening of the county levy provided for carrying out the objects of this act.

§ 4. That the said County Court aforesaid shall, at their next October term, levy an *ad valorem* tax on the property in said county, sufficient for the purpose of erecting said building, payable in such instalments as they may deem most expedient; and that it shall be the duty of the Sheriff to collect the same, and pay over the same as may be required by the said court, for which he shall be entitled to the compensation of three per cent. therefor; and in case of his failure so to do he shall be liable to a suit in the name of the said court, in the Logan Circuit Court, upon which judgment shall be rendered for the amount for which he shall be found responsible, with ten per cent. damages thereon, and that execution may issue for the same against him.

Approved February 17, 1858.

## CHAPTER 906.

1858.

AN ACT to amend an act, entitled, an act to incorporate the city of Henderson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

## ARTICLE I.

§ 1. That all that territory lying between Fourth and Eighth cross streets, and between the Ohio river and Back street (now called Green street,) below the public square, as originally laid off and embraced in the ancient recorded plat of the town of Henderson, and which territory has been heretofore stricken out of the limits of said town by act of the General Assembly, be and the same is hereby restored and added to and included in the limits of the said town, now city of Henderson.

§ 2. That the territory embraced by and included in the following bounds be and the same is hereby added to the said city of Henderson, to-wit: Beginning on Green street (formerly called Back street,) on the front corner between ten acre lots Nos. 21 and 22; thence running with the course of the line that divides said lots to the Madisonville road; thence running a course parallel with the back line of the ten acre lots until said course strikes the southern boundary of the territory recently surveyed, platted and laid off into lots, and sold by James Alves' executor, on the old Owensboro road; thence with the boundary of said territory, and including the same, until it strikes the plank road; thence with the said plank road to the upper line of the next cross street in the said Alves' plat; thence a course parallel with the back line of the ten acre lots to the railroad; thence with the railroad to the back line of the ten acre lots; thence up said line, as at present laid off, to the beginning.

§ 3. That the territory thus added and described in this act be subject to the municipal and other jurisdiction of the city of Henderson, in the same manner and to the same extent, and have the like privileges and immunities as that contained in the present limits of said city: *Provided however,* That the Mayor and Council shall have power to exempt from taxation such of the ten acre lots as are remotely situated from the business parts of the city, and are used for farming purposes.

§ 4. That the streets in the territory embraced by sections one and two, as now reduced, laid off, and extended, be and the same are hereby legalized, ratified, and confirmed, and no change of location or width thereof is to be made, without the consent of the property holders bordering on said streets.

## ARTICLE II.

§ 1. The Mayor and Council shall have power, by ordinance, to receive and accept any street or alley, or ex-

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tension of any street or alley laid out by any person or persons within the city limits, and make and declare the same an established street or alley of the city of Henderson; and, also, to lay out, open or extend any street, alley, market-place or wharf, or public landing within the city limits, and to appropriate, or procure the condemnation of real and personal estate for these purposes: *Provided*, That in no case shall private property be taken for any such purpose without the written consent of the owner or owners thereof, or unless the compensation therefor shall be first fixed by agreement, or by a jury empannelled for that purpose by the order of the City Court of Henderson; and the compensation, so fixed, shall be paid to the owner or owners thereof out of the treasury of said city.

§ 2. That the Mayor and Council shall have the power to pass ordinances to procure the improvement, either by grading and paving, or by grading, paving, and McAdamizing, or by grading and planking any portion of, or the whole of any street or alley now established, or which may hereafter be established, within the city limits at the cost of the owner or owners of the ground fronting such improvement, to be appropriated according to the number of feet front each may own in front of said improvement, and a lien is hereby created on the said ground for the cost of said improvement: *It is provided, however*, That when any such improvement has not been petitioned for by the owners of a majority of feet of ground in front of said improvement, it shall require the concurrence of two-thirds of the members elected, in office, of the Council, to pass the ordinance to procure said improvement, and the final vote thereon shall be taken by yeas and nays, and recorded in the journal of proceedings of said Council.

§ 3. The said Mayor and Council may pass ordinances to procure the grading and paving of sidewalks on any of the squares within the city limits, or to re-curb and re-pave such sidewalks as in the opinion of said Mayor and Council require it, at the cost of the owner or owners of lots, or parts of lots, fronting on such sidewalks, and to be appropriated according to the amount of work actually done in front of such lots, or parts of lots, and for such cost a lien is hereby created against such lots or parts of lots: *Provided however*, That no such ordinance shall be enforced until an advertisement has been published for at least three weeks in one or more of the newspapers printed in Henderson, describing the square or squares, or part of square or squares, in which the sidewalks are situated, which it is proposed to grade and pave, re-curb and re-pave, and giving the name or names of the owner or owners of ground, when known, fronting the pro-

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posed grading and paving, or re-curbing and re-paving, and notifying the owner or owners that if the work is not done by them, or at their cost, within thirty days from the date of the first publication of the advertisement, the ordinance will be enforced: *Provided further*, That if the grounds, buildings, or other property of a private person shall be injured as a consequence of carrying out the laws and ordinances of the city, for the grading, paving, and McAdamizing of any of the streets, or for the grading and paving the side-walks, or for the altering of the grades of any of the streets within the city, such person shall be paid a just compensation therefor out of the city treasury, the damages sustained to be assessed by a jury to be summoned by the Sheriff of Henderson county, before the County Judge of said county, which may be done at the instance of either party—the proceedings to be regular as in other cases of adjudication; either party may appeal from the decision of the jury within thirty days after the award shall be made known, by filing a bond in the Clerk's office of the Henderson Circuit Court, with such penalty and such security as the Clerk of said court shall determine, conditioned to prosecute such appeal to effect; or either party may, in the first instance, file a petition in said court, concisely stating the facts of the case, and praying that damages may be assessed; and in either case the suit shall be tried by a jury, unless the parties shall agree that the court shall try it; but no other question shall be determined than the regularity of the proceeding in the suit, and the amount of damages sustained; and so long as the Mayor and Council shall not be guilty of an abuse of their power in making any such improvement, or doing any other acts, or not be guilty of gross neglect, they shall not be personally liable to any action therefor, nor shall the city be liable therefor otherwise than in the manner aforesaid, nor shall the Mayor and Council be prohibited or delayed in proceeding with such improvement, or doing any lawful act.

§ 4. The Mayor and Council may pass ordinances to procure the digging and walling of wells, or to procure the construction of cisterns for supplying water for the extinguishment of fires, on any of the established streets within the city limits, at the cost of the owners of property within such distance of any such well or cistern as may be specified in the ordinance, and cause the cost thereof to be apportioned amongst the owners of such property according to the number of feet each may own, and a lien is hereby created against such property for the amounts so apportioned.

§ 5. The liens given for the purposes named in the foregoing sections, two, three, and four, may be enforced by filing a bill in chancery, with a copy of the ordinance di-

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recting the work to be done, and of the contract for doing the same, and of the report of the completion of the work, and of the apportionment of the cost of the same, made as required, which shall be *prima facie* evidence in favor of the contractor, or any claimant under him; and to this bill all persons who, by the apportionment, are to pay any part of the cost, shall be parties, unless they have paid their part of the cost agreeable to the apportionment, which fact shall be alledged in the bill; and it shall be lawful for the court hearing the cause to correct errors, if any there be, in the apportionment, and to decree a sale of so much of the lots of each person as will pay his part of the cost according to the apportionment, and his costs of suit; and the court confirming any sale made under such decree shall direct that the property be redeemable at any time within three years, by the owner, on paying the principal sum and interest at the rate of ten per cent. per annum, and all taxes and levies made subsequent to the sale thereof; and if not redeemed within the time specified, that the sale shall be final; and after the time for redeeming shall have expired the court shall cause a conveyance to be made to the purchaser by the Commissioner: *It is provided*, That infants shall have the right of redemption on the terms specified above, for three years after arriving at full age: *And it is further provided*, That for any apportionment of the cost of any of the improvements or grading and paving sidewalks, or re-grading or re-curbing sidewalks, or digging any wells, or constructing any cistern, as provided for heretofore, the contractor, or any claimant under him, may recover the same at law against the person or persons charged therewith as in other cases of contract.

§ 6. When any street or alley has been graded and paved, or graded and otherwise improved, as hereinbefore provided in section two, at the cost of the owners of ground fronting thereon, and the same has been accepted by the Council, the part of such street or alley so improved shall thereafter be kept in repair, and cleaned at the expense of the said city.

§ 7. No person or persons shall lay out or extend any street or alley within the limits of said city, without the consent of a majority of the Council; and when any person or persons have laid out, or shall hereafter lay out, any street or alley within the limits of said city, and shall have sold, or intend to sell lots binding thereon, the said Council shall declare the same to be established as a public street or alley, and exercise all the power, jurisdiction, and authority over the same that they have by their charter, and by this amendment to their charter, over other established streets and alleys, and may cause them to be improved as herein provided; but no street shall be

laid out or accepted within the city limits which is less than sixty feet wide.

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§ 8. The Mayor and Council shall have power to provide, by ordinance, for placing pumps in all public wells within the limits of said city, and for making contracts with one or more persons for keeping the public wells and pumps within said city in repair for any term of time not exceeding five years.

§ 9. The Mayor and Council shall have power to fill all vacancies occurring in the board, and to remove any officer of the city for neglect of duty.

§ 10. The Mayor and Council shall have power to fill all vacancies, by appointment, that may occur in any of the offices of said city, (except in the Council,) the appointment to be valid until the next annual election.

§ 11. That the Council shall have power to fix a fair compensation for the services of the Mayor, and also they shall have power to fix a compensation for their own services, provided that compensation shall not exceed more than two dollars each for a regular, nor more than one dollar each for a called meeting.

§ 12. The Council of said city shall have power, upon lands now provided, or such as may hereafter be provided, within or without the city limits, to erect a suitable building or buildings for a city work house; and in the city work house shall be confined all persons committed on final process of the City Court of Henderson, all beggars, vagrants, bawds, and bawdy house keepers; all persons committed in default of bail, upon orders of said City Court, or any Magistrate therein, or the County Judge, requiring surety of the peace, or for good behavior, or as suspected felons, or for other causes; and those put therein for short terms of imprisonment, for offenses committed in said city, by said courts, or on *capias profines*, shall have liberty to work out the sum they are charged to pay, at seventy-five cents per day, at such labor therein as they may be directed to do; but all able bodied persons put into said work house, for any of the causes aforesaid, by said courts, shall be compelled to labor at such labor as may be prescribed by ordinance of the Council, until discharged, unless he or she shall pay into the hands of such officer as shall be provided, the sum of twenty-five cents per day, for each day he or she shall stay therein, to reimburse the expense of keeping and dieting him or her; and the Mayor and Council of said city shall have power to pass all ordinances for the police, government, and management of said work house.

§ 13. This act shall be in force from and after its publication in the Henderson Commercial and Henderson Reporter, and its ratification by the votes of a majority of the qualified voters of said city, under this act. And the

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Mayor shall order the ratification election to be held on the third Monday in March next, at the court house in said city of Henderson; notice of the same shall be given one week by publication in the above named papers, or either one of them.

Approved February 17, 1858.

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CHAPTER 807.

AN ACT for the benefit of James Edmiston, of Hopkins county, and John Bowe, of Cumberland county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor is hereby authorized to draw his warrant on the Treasurer of the State for the sum of fifty dollars in favor of James Edmiston, for the support of his lunatic son, Dickson, for the year 1858; and upon its being made satisfactorily to appear to the Hopkins Circuit Court, at any time after July, 1859, that said Dickson is still alive, and a lunatic, and is supported by his said father; and upon these facts being certified by said court to the Auditor he shall draw his warrant on the Treasurer in favor of James Edmiston for fifty dollars for the support of said lunatic for the year 1859.

§ 2. And the Auditor is also directed to draw his warrant on the Treasurer for the sum of fifty dollars in favor of John Bowe, for the support of his lunatic daughter for the year 1857; and upon its being made satisfactorily to appear to the Cumberland Circuit Court that she continues a lunatic, and that she is still alive and supported by her father for the year 1858; and upon these facts being certified by said court to the Auditor he shall draw his warrant on the Treasurer in favor of said John Bowe for fifty dollars, for the support of said lunatic daughter for 1858.

Approved February 17, 1858.

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CHAPTER 808.

AN ACT empowering Rockcastle County Court to appoint Trustees of her Seminary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the County Court of Rockcastle county, a majority of all the Justices in commission as such in said county being present, together with the Presiding Judge of said county, are hereby vested with power to fill any vacancy that may now or hereafter exist in the Board of Trustees of Rockcastle Seminary.

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§ 3. If there shall be none of the Trustees of said seminary which may heretofore have been appointed now found acting as such, and said board shall be found entirely vacated, then said court, constituted as aforesaid, shall have power to elect, and appoint a new Board of Trustees for said seminary, to consist of five Trustees, citizens of said county, who shall have full power as a corporate body to do all things necessary to carry out the objects for which the original grant was given to said county; they shall have power to sue and be sued, and use a common seal; to sell and dispose of any real estate, and make title to the same; to collect any money or moneys due the seminary at present, or which may hereafter become due said institution upon contracts heretofore, or such as may hereafter be made.

§ 3. Said court shall have full power to order a settlement of accounts at any time with said Trustees; and to enable said court to carry into effect the objects intended by this act, the Presiding Judge of said county shall have power, at any term of the County Court, to have the Justices of the county assembled to act with said Presiding Judge in carrying into effect any of the provisions of this act.

§ 4. This act shall be in force from the date of its passage.

Approved February 17, 1858.

#### CHAPTER 810.

AN ACT providing a general Mechanic's Lien Law for certain cities and counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That carpenters, joiners, brick masons, stone masons, plasterers, turners, painters, brick makers, lumber merchants, and all others performing labor or furnishing materials for the construction or repair of any building, or other structure, within this Commonwealth, shall and may have a joint lien upon the buildings or other structure they may be employed to construct or repair, and the interest of the employer in the land on which such building or other structure may be constructed, or repaired; or for which they may furnish materials, to the extent of the labor done and materials furnished by them respectively: *Provided*, That no lien shall attach for any sum not amounting to ten dollars: *Provided*, That nothing herein contained, shall be construed to affect, impair, or injure, any lien or liens, whether by mortgage, deed of trust, or otherwise, which any person or persons, body politic or corporate, may have on the property by this act, subject-

Lien given for  
work and ma-  
terials.

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ed to the lien or liens, hereinbefore created and mentioned.

Lien to continue  
if contract is re-  
scinded.

§ 2. That if such employer, or employers, hold, or claim by executory contract, and, for any cause whatever, such executory contract shall be set aside or rescinded, the lien herein given shall continue so far as the person or persons to whom the same may come, or with whom it may remain by reason of such rescission or setting aside, shall be advantaged by such building, repairing, or materials furnished.

Person who has  
lien substituted  
for person evi-  
cted.

§ 3. That where the employer, or employers, shall, by judgment at law or decree in equity, be evicted from the premises, and shall by the rules of law or equity be entitled to compensation from the successful claimant for improvements made on the premises, the person, or persons, who, under the provisions of this act, have liens as against such employer, or employers, shall, to the extent of their liens, respectively, be substituted for the person evicted, and recover compensation from the successful claimant, so far as by law or equity such claimant is bound to make compensation to the person evicted.

Liens exist  
against corpor-  
ations.

§ 4. That the liens herein declared shall exist against private corporations, private *quasi* corporations, and societies, or trustees holding estates for charitable uses, whether the building, repairing, or furnishing of materials, shall be done or furnished at the request of such corporation, *quasi* corporation, society, or trustees, or by their servants, or agents, authorized by parole or otherwise.

How liens may  
be enforced.

§ 5. That any person or persons, having a lien under this act, may enforce the same by filing a petition in the Circuit Court, or Chancery Court, or any other court having like jurisdiction in the county where the property sought to be subjected, or the greater part thereof, is situated, at any time within one year from the completion of the work, or furnishing the materials. All the persons having a lien may join in the petition against the employer, or one or more of them may file a bill against the employer and the other persons having a lien. Any party having a lien, who is not made a defendant to the petition, may come into the case by motion or petition, as a defendant to the original petition. Each claim shall be clearly and distinctly stated, and as clear and distinct an answer shall be made to the same. The court, on the application of either party, may direct an issue to be made, and a jury called to try the same, as in other cases at law; and when the claims of each shall be ascertained, the court shall adjudge the amount against the employer, whether an individual, private corporations, private *quasi* corporations, societies, or trustees holding estates for charitable uses, or otherwise the owner of the building or other structure, and direct the building or other structure,

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and the interest of the employer in the land, or of the successful claimant of the property, to be sold on a credit such as now is, or from time to time may be directed by law, to be given in sales of real property made by order of court; and shall cause the sale money to be collected and distributed in payment of the amount adjudged to the respective claimants. The amount due the claimants shall bear legal interest from the time the same shall have been due by the contract of the parties; and where there is no contract, the amounts shall bear interest from the time the work was finished, or the last materials furnished; and the purchaser of the property shall pay interest from the time of the sale, and shall be entitled to possession of the property from the time the sale is confirmed. The court, after the claimants have all been paid, shall direct the surplus to be paid over to the owner of the property; and should the proceeds of the sale prove insufficient to pay all the claimants, then the court shall cause each to be paid in proportion. No lien shall exist in favor of any person or persons, in virtue of this act, who shall not have proceeded, within the time aforesaid, to enforce such lien; and the *lis pendens* shall be construed to commence from the time of filing the petition.

§ 6. That any journeyman, laborer, sub-contractor, carpenter, joiner, brick mason, stone mason, plasterer, turner, painter, brick maker, lumber merchant, or other person, performing labor or furnishing materials for the construction or repair of any building, or other structure, within this Commonwealth, who may be so employed to labor or furnish materials, shall, to the extent of his labor so done or materials furnished in the construction of such building or other structure, have a lien on the same, and the interest of the employer in the land on which such structure may be erected, or repaired, whether such labor be done for, and materials furnished to, the sub-contractor or the contractor or building mechanic: *Provided*, That such journeyman, laborer, subcontractor, carpenter, joiner, brick mason, stone mason, plasterer, turner, painter, brick maker, lumber merchant, or other person, shall give the owner of the property, or the employer of the contractor or building mechanic, written notice before payment is made to the undertaker or building mechanic, that he looks to the property for the payment of what may be due to him for labor done, or materials furnished in the erection of said building, or structure. He may file his petition to enforce the lien; and he may be, and shall have a right to be made a defendant to any petition brought to enforce any lien given by this act. He shall have the right to a judgment for what may be due him for labor, or materials furnished; and the same shall be paid out of what may be due to the contractor or building mechanic, if so much

Journeymen,  
&c., have lien.

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be due to him; and if there be no more than one claim-  
ant entitled to a lien under this section, and the amount  
due to the contractor shall not be sufficient to pay them all,  
they shall be paid *pro rata*.

*Shall not have  
lien if security  
taken.*

*Claims to be  
proven, &c.*

§ 7. That none of the persons named in the first section  
of this act shall have a lien, if they shall have taken se-  
curity; nor shall any person named in the sixth section  
have a lien, when his principal has none.

§ 8. That the plaintiff or plaintiffs, in any suit instituted  
under the provisions of this act, may proceed to the proof  
of their respective claims immediately on the service of  
process; and any defendant, or defendants, claiming a  
lien, may proceed to the proof of their respective claims  
immediately on filing their answers, asserting and speci-  
fying their claims, and notifying the plaintiff of such fil-  
ing, if in vacation; it shall not be necessary for a defen-  
dant or defendants, claiming a lien or relief against any  
complainant, or co-defendant, to make their answer or an-  
swers a cross-petition against the plaintiff or co-defend-  
ants; but the assertion of their respective claim and lien,  
in their answers, with a prayer for the appropriate or gen-  
eral relief, shall be sufficient to authorize the court to en-  
ter the proper judgment for relief against any of the plain-  
tiffs or defendants. Any person having a lien, and who  
is not made a defendant, may notify the plaintiff, in writ-  
ing, that he has a lien, and that he will, at the next term  
of the court in which the suit is pending, enter himself as  
a defendant; and he may, in all respects, proceed as  
though he were a defendant to the petition served with  
process.

*Defendant may  
file answer, &c.*

§ 9. That immediately on the service of the process in  
any action instituted under the provisions of this act, any  
defendant or defendants shall have the right to file with  
the Clerk of the court, in which the action is pending, his  
or their answer; and the Clerk shall endorse thereon the  
true time of filing the same; and twenty days shall be  
allowed to a defendant or defendants, to file their answers  
after the service of process; the cause shall stand for tri-  
al at the first term after the service of process, if the same  
shall have been served twenty days before the same is  
submitted for judgment, either at a common law or chan-  
cery term; and may be taken up for trial on ten days no-  
tice, in writing, on any day of any such term. The court,  
for good cause, may continue the cause, and may permit  
a defendant or defendants to file his or their answers, at  
any time before the trial of the cause, on such terms as  
the court may deem equitable. The proof of claims shall  
be by depositions, unless the court, for cause shown, shall  
hear oral testimony.

§ 10. That any person or persons having a lien under  
this act, for any claim not under ten, nor over fifty dollars,

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How person  
having lien may  
sue out execu-  
tion, &c.

upon obtaining a judgment on said claim, to the amount of not less than ten dollars, before any Mayor or Justice of the Peace, or court of similar jurisdiction, may file a copy of the record of said judgment, and all the accompanying proceedings, in the Clerk's office of the Circuit Court for the county in which such judgment was obtained, and when ten days shall have elapsed after the rendition of said judgment, may sue out an execution thereon, which shall be issued by the Clerk of said Circuit Court, and directed to the Sheriff of said county, to execute as in other cases, which execution may be levied by the Sheriff upon the interest of the defendant or defendants, in the property subject to said lien, and the same may be sold, under the same rules and regulations which govern sales under execution in other cases: *Provided*, That before any such execution shall issue, the plaintiff or plaintiffs shall file in the said Circuit Court Clerk's office an affidavit, stating that the claim upon which said judgment was rendered was for labor done or materials furnished, as the case may be, towards the construction, or erection, or repair of a building, bridge or other structure for the defendant or defendants, within twelve months next before said judgment was rendered; also, describing briefly the situation or location of the property on which said lien is claimed; the nature and extent of the interest of the defendant or defendants therein, and whether there are any other liens on said property, and if so, to what amount, and in whose favor, to the best of his or their knowledge; a copy of which affidavit shall be furnished by the Clerk to the Sheriff, appended to said execution, and shall authorize the Sheriff to levy said execution, upon the interest of the defendant or defendants in said property, whether legal or equitable, and upon exposing the same to sale, the Sheriff shall proclaim, publicly, the extent of the interest of the defendant or defendants therein, and all the incumbrances thereon, as set forth in said affidavit; and said sale shall not prejudice the lien of any other person or persons on said property. For copying said affidavit the Clerk shall be allowed, in each case, the usual fees for like services, to be paid by the plaintiff, and taxed in the bill of costs; and for all other services, hereby required, he shall receive the same fees as for similar services in other cases: *Provided further*, That nothing herein contained shall prevent the Sheriff from making the amount of said execution out of any other property belonging to the defendant or defendants which would be subject to execution in other cases: *Provided also*, That either party may appeal from said judgment to the higher courts, under the rules, regulations, and restrictions, which govern appeals in other cases, and a copy of the judgment may be taken from an inferior court to the Circuit Court, and

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filed with like effect and proceedings as are provided herein with a judgment before a Justice of the Peace; and no execution shall issue on said judgment while said appeal is pending.

Record to be  
filed, &c.

§ 11. That when any person or persons shall lodge in the Circuit Court Clerk's office the record of the proceeding, with a judgment of a Mayor or a Justice of the Peace, or of other court, in his or their favor, as provided for in the foregoing section, the Clerk shall note the same as filed under the mechanics lien law, and the same shall operate to secure and perpetuate his or their lien, whether an appeal has been taken from said judgment or not, as effectually as if a petition in equity had been filed at the date of said judgment for the purpose of enforcing the same, subject to be defeated in case said judgment is not sustained on trial of the appeal to the amount of ten dollars.

Lien shall not be  
good against a  
bona fide pur-  
chaser.

§ 12. The lien herein provided shall not be effectual or valid against a *bona fide* purchaser for a valuable consideration, without notice, actual or constructive, of such lien; but if the purchaser receives notice of the lien before the payment of the whole purchase money the lien shall operate on the purchase money remaining unpaid. The pendency of a suit to enforce the lien, or a written statement of the lien, its amount, and the property liable to it, filed in the Clerk's office of the County Court of the county in which the land is situated, shall each be deemed constructive notice of the lien to subsequent purchasers upon such a statement of the lien being filed in the Clerk's office of the County Court the Clerk shall endorse therein the time of filing the same, and shall forthwith cross-index the same in the names of the owner of the property, subject to the lien and of the claimant of the lien, in the index to the book in which mortgages are recorded, for which, and for receiving, filing away, and preserving the statement, he shall receive a fee of twenty-five cents.

Act limited to  
certain counties

§ 13. That the provisions of this act shall only apply to Jefferson and Kenton counties, and the city of Louisville, and the city of Lexington, and the counties of Franklin, Bourbon, Trimble, and Carroll.

Approved February 17, 1858.

#### CHAPTER 814.

AN ACT to incorporate the Jeffersonville and Stanton Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That a company shall be formed under the name and style of the "Jeffersonville and Stanton Turnpike Road

Company," for the purpose of making a turnpike or other road from Jeffersonville to Stanton, in Powell county; and that the capital stock of said company shall be as many shares of fifty dollars each as will make said road, not exceeding the sum of forty thousand dollars; and that books for the subscription of stock shall be opened in Jeffersonville, under the direction of William Tipton, James Turley, James Means, David Cheatham, John M. Ricketts, W. T. Chenault, Josiah Anderson, Sam. Greenwade, Ed. G. Orear, Joel A. Stevens, and Anderson Bradshaw, or any two of them, at such times and places as they may deem necessary and proper; and in Stanton, under the direction of Arthur Welch, R. D. Gay, George Knox, G. A. Welch, James H. Scholl, Thomas B. Hall, Tilford Welch, Madison Stuart, and Henry Benningfield, or any two of them, at such times and places as they may deem necessary and proper; and that the portion of section two of an act, entitled, an act to incorporate certain Turnpike Road Companies in Montgomery county, and for other purposes, approved March 5th, 1850, which refers to the obligation of subscribers, and the other sections of said act to section eighteen, nineteen, and twenty, are hereby declared as the charter of the company incorporated by this act.

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Approved February 17, 1858.

## CHAPTER 815.

AN ACT to incorporate the Benevolent Society of the United Sons of Erin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Maurice Power, Denis Lincoln, Owen Carrigher, James McDermott, Patrick Barmon, John Doyle, and D. P. Maxey, Managers of the "United Sons of Erin," and their successors in office, regularly appointed as hereinafter provided, be and they are hereby created a body corporate and politic, by the name and style aforesaid; and by said name shall have perpetual succession, and be, in law, capable of suing and being sued, pleading and being impleaded, and may purchase and hold real estate upon which to erect buildings suitable for the objects of this society: *Provided however*, That the annual income of any such real estate shall not exceed two thousand dollars.

§ 2. The object of said society shall be to create a permanent fund for the support of its members when overtaken by sickness or infirmity, and for their decent interment after death; and for the purposes aforesaid may own and hold personal estate by gift, devise, or otherwise, not to exceed, at any one time, twenty thousand dollars.

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§ 3. The regular officers of said society shall be a President, two Vice Presidents, Secretary, Treasurer, four Wardens, two Stewards, the whole of whom, except the Treasurer and Steward, shall constitute an executive committee; they shall have the right to enact such by-laws for the government of said society as they may deem proper, not inconsistent with the constitution of the United States, the constitution and laws of Kentucky, and have the right to repeal or alter them at pleasure; to require such bonds of its financial officers as may be deemed safe and prudent; the officers to hold office for the terms and under such restrictions as may be imposed by the by-laws.

§ 4. The Legislature reserves the right to alter or repeal this act at pleasure.

Approved February 17, 1858.

#### CHAPTER 616.

##### AN ACT to incorporate the Bethel Female High School.

Whereas, The Trustees of the Bethel Female High School, located at Hopkinsville, have petitioned the General Assembly, stating that they were authorized by the Bethel Association to petition the General Assembly for a college charter for said school. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That each and every individual, or association of individuals, who have donated or paid into the treasury of the Bethel Association, for the benefit of said school, or who may hereafter donate to the same one hundred dollars, be and they are hereby constituted a body politic, by the name of "The Baptist Female Educational Convention," with full power to form a constitution and by-laws for the management of its affairs: *Provided*, The same be not inconsistent with the constitution and laws of this State or the United States.

**Corporate name and style.**

§ 2. The qualifications for life or other membership of said convention, shall be such as may be prescribed by its constitution or by-laws.

**Qualifications of members.**

§ 3. Said convention shall have the power to elect members of the Board of Trustees of the Bethel Female College, as provided for hereinafter.

**How Trustees may be elected.**

§ 4. Said convention shall hold annual meetings at the town of Hopkinsville, in the month of June in every year, to promote education, and for other purposes.

**Annual meetings.**

§ 5. Said convention may employ a Secretary, Treasurer, and other officers or agents, and prescribe the duties of the same, and require bond with sufficient security

**Secretary and Treasurer to be appointed.**

from them, or either of them, for the faithful performance of their duties.

§ 6. That S. D. Buck, S. A. Holland, E. J. Foot, A. Palmer, L. L. Leavitt, H. A. Phelps, N. B. Whitfield, H. Boon, E. J. Vaughn, J. B. Campbell, A. D. Sears, C. M. Tandy, N. Cox, J. U. Campbell, Jesse McComb, and their successors in office, as Trustees of the Bethel Female School, be and they are hereby constituted a body politic and corporate, with full power to contract and be contracted with, sue and be sued; to have and keep a common seal; and to ordain by-laws for the government of said school: *Provided*, The same be not inconsistent with the constitution of this State or the United States.

§ 7. The term for which said Trustees shall hold their offices as such, respectively, shall be such as may be prescribed by the Baptist Educational Convention herein incorporated; and said convention shall have the power of filling all vacancies that may occur in said Board of Trustees, in such manner as it may hereafter determine. They may acquire and hold by gift, devise, grant, purchase, or otherwise, property to be held by them for the use of said Female School, not to exceed one hundred thousand dollars in value; and sell or dispose of the same, or any part thereof, as they may deem best to promote the interests of said school. They may appoint a Secretary, Treasurer, and other officers and agents, and require bond with security from them, or either of them, for the faithful performance of their duties.

§ 8. The said Trustees may employ a principal, and any number of professors and teachers for the school hereby incorporated, as to them may seem best for the interests of said school, and remove such principal and teachers, or either of them, from office: *Provided*, A majority of the whole Board of Trustees concur in every act of removal. Said Trustees shall have the power to confer on the pupils of said school any or all the degrees and honors usually conferred by the best colleges or seminaries in this State.

§ 9. The General Assembly reserves the right to amend, alter, or repeal this act or any part thereof, at any time hereafter.

Approved February 17, 1858.

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Trustees incorporated.

Corporate powers.

Term of office.

Trustees may employ principal and teachers.

#### CHAPTER 817.

AN ACT to incorporate the Muhlenburg Agricultural, Mechanical, and Domestic Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edward R. Weir, George W. Haden, Joseph C. Reynolds, Jacob Imbler, Hugh W. McNary, Thomas

Corporators.

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C. Summers, George D. Park, James Murphy, Joseph Short, Abraham Dennis, E. Blacklock, George W. Short, S. M. Brewer, Sanders Eaves, J. E. Reno, A. M. Jackson, James T. Quissenberry, Robert Williams, James W. Rice, Mosely P. Wells, Edmund Drake, and such other persons as may choose to associate, be and they are hereby created a body politic and corporate, with perpetual succession, under the name and style of "The Muhlenburg County Agricultural, Mechanical, and Domestic Association;" and by that name may sue and be sued, plead and be impleaded, defend and be defended in all courts of law or equity, and shall be capable of acquiring, by purchase or otherwise, any quantity of land in the county of Muhlenburg, in the neighborhood of Greenville, not less than ten nor more than fifty acres, and may improve, sell, and convey the same, or any part thereof, at pleasure, and may acquire, hold, and dispose of such personal estate as the President and Directors of the association may deem necessary. They may use the private seal of the President for the time being.

Corporate powers.

§ 2. The capital stock of said association shall be divided into shares of ten dollars each, to be subscribed for and taken agreeably to such rules and regulations as the corporation may direct; any five of the persons above named are authorized to open books for the subscription of stock in said corporation, at any time and place they may designate; and so soon as, in their judgment, sufficient stock is subscribed to meet the objects of said association; they may call a meeting of the subscribers who are shareholders, at Greenville, after having given public notice at least ten days previous thereto of the time and place of such meeting; at which time the subscribers, then present, shall proceed to the election of a President and six Directors of said association, each of whom shall be a shareholder therein, and such other officers as they may deem necessary.

Capital stock.

§ 3. The President and Directors so chosen shall continue in office one year from the time of said election, unless the members of said association shall by resolution or by-law fix upon a longer period as the term of office.

Term of office.

§ 4. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the President and Directors thereof; and they shall have power to appoint a Treasurer and Secretary, and such other inferior officers, or either of them, and require bond with good security, payable to themselves, for the faithful discharge of their duties. The President and Directors shall have power to contract and be contracted with in their corporate name, and to do any and every other act, not inconsistent with the constitution and laws of this Common-

President and  
Directors to be  
chosen.May appoint  
Treasurer, &c.

wealth, which in their opinion will contribute to the advancement of the objects of the association.

§ 5. A majority of the Directors of the association, together with the President, shall constitute a quorum for the transaction of business.

§ 6. The said association, in its corporate capacity, with all the estate belonging thereto shall be liable for any debts contracted by it or by its authority.

§ 7. That no spirituous liquors shall be sold upon the premises during the continuance of any fair held by said association, or within one-half mile of the same, under the penalty of twenty dollars for each and every offense, to be recovered before the Police Judge of the town of Greenville or any Justice of the Peace of Muhlenburg county; and each separate act of selling shall be a distinct offense.

§ 8. Any county other than the county of Muhlenburg which by its citizens shall subscribe as much as thirty shares, shall by its subscribers elect and appoint one Director of this association, and one for each additional subscription of thirty shares.

§ 9. That the Legislature reserves the power to repeal or amend this act; such repeal however not to operate to the prejudice of vested rights or the rights of creditors.

§ 10. This act to take effect from its passage.

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Quorum.

Liable for debts.

Liquors not to be sold on the grounds.

Counties subscribing may appoint Directors.

Approved February 17, 1858.

## CHAPTER 818.

### AN ACT for the benefit of Isaac A. Stewart.

Whereas, it appears to this General Assembly that Isaac A. Stewart and Nancy Stewart, his wife, have now the charge of an infant child of Daniel Stewart, deceased, and said child being only two years old, and having no parents living, and the said Isaac A. Stewart and Nancy Stewart having petitioned the Legislature to adopt said infant to them. Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the said Isaac A. Stewart to have the possession of the said infant named Isaac A. Stewart, and to keep, control, and manage as though he were the natural son of said Isaac A. Stewart.

§ 2. Said infant child is hereby adopted as the child of said Isaac A. Stewart, and all the rights, privileges, immunities, and responsibilities, now existing between the natural parent and child are hereby declared reciprocal between said Isaac A. Stewart and Nancy Stewart, his wife, and the said infant Isaac A. Stewart.

§ 3. This act to take effect from and after its passage.

Approved February 17, 1858.

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## CHAPTER 819.

AN ACT to incorporate the Rumsey and Cypress Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:***Name and style.**

§ 1. That a company is hereby created and constituted a body politic and corporate, under the name and style of the Rumsey and Cypress Turnpike Road Company, with a capital stock of ten thousand dollars, to be divided into shares of twenty-five dollars each, for the purpose of making an artificial, McAdamized, gravel turnpike or plank road from Rumsey to the bridge over Cypress creek, near the farm of John Vickers, on the Greenville road, in McLean county; and by that name shall be competent to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts in this Commonwealth, with power to acquire, hold, possess, use and occupy all such real and personal estate as may be necessary and convenient for the site or route of said road, for piers and abutments of all bridges as may be required on said road, and a lot for a toll house, and residence for a gate keeper on said road; also, all necessary stone, gravel, sand, earth and timber necessary for the construction and repair of said road, and to have and use a common seal, and alter or renew the same at pleasure; to construct all necessary culverts, drains, and ditches necessary for the construction, preservation or repair of said road, and construct a root, if deemed expedient, over said road, and may take, use, hold and occupy all such real and personal estate, and stone, gravel, sand, timber and earth as may be necessary for the construction thereof; also to make and ordain all such by-laws, rules and regulations as may be necessary for the construction, preservation and repair of said road, and the management of its prudential and financial concerns, not contrary to the constitution of this State or of the United States.

**Width of road.**

§ 2. That the width of said road shall not, at any point where it will admit of it, be less than twenty-four feet, and the width may be thirty feet, and the metal, gravel or plank part thereof, shall not be over eighteen feet wide.

**Commissioners.**

§ 3. That D. C. Turner, C. M. Baber, E. Fleming, J. W. Rollins, E. Baker, and John Vickers, of McLean county, be and they are hereby appointed Commissioners to open books for the subscription of stock aforesaid, at such times and places as any three or more of said Commissioners may deem expedient; and the subscribers to the stock of said company shall enter into an obligation, as follows, in the books of said Commissioners: "We, whose names are hereunto subscribed, promise to pay to the President, Directors, and Company, of the Rumsey and Cypress Turnpike Road Company, the sum of twenty-five dollars for each share of stock by us subscribed and set opposite our

respective names, in such proportions and at such times as shall be required by said corporation."

§ 4. That when three thousand dollars of said stock shall have been subscribed, said Commissioners, or a majority of them of those acting, may call a meeting of the stockholders at such time and place as they may deem convenient and proper, having first advertised in the newspaper having the largest circulation in the county, the time and place; and the stockholders in pursuance of said call, shall proceed in person or by written proxy, to choose a President and five Directors, in whom shall be vested all the powers of the corporation, and management of the prudential and financial concerns of said company. Said stockholders shall also elect a Treasurer, who shall give bond and security for the faithful performance of all his duties as such. That each share of stock to the number of twenty to one additional vote; that after the board is thus organized, an annual election shall be held on the first day of May in each year: *Provided*, The board may change the time of holding their annual election, a majority concurring therein; that no person shall be eligible to the office of President or Director, unless he be a stockholder, and shall vacate his office on ceasing to be one. That said board may fill any vacancy that may occur by appointment, until the next annual election.

§ 5. That all corporations and companies may and they are hereby authorized to take stock in said turnpike road company, under such regulations as the President and Directors may order and direct; that if it shall be ascertained that the capital stock is not sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such an amount as they may deem necessary, and open subscriptions therefor, in such manner as they may think proper.

§ 6. That so soon as said company is organized by the election of officers, the President and Directors shall possess all the powers, rights and privileges, and shall and may do all acts and things necessary for laying out and causing a survey of a route for said road, and for carrying on and completing the same.

§ 7. That if the construction of the road provided for in this act shall not be commenced within ten years from the passage of this act, the rights and privileges herein granted, shall be forfeited.

§ 8. That whenever said road shall be completed, the company may erect a toll-gate and charge toll thereat, and the rates of toll on said road shall be the same as though the road were five miles in length; but no toll-gate shall be erected within the corporate limits of the town of Rumsey, but such gate may be erected at any

1858.

When company organized.

Board of Directors.

Corporations may take stock.

General powers

When road to be commenced.

When gate may be erected.

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point outside of the town limits the company may determine or designate.

§ 9. This act to take effect from its passage.

Approved February 17, 1858.

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CHAPTER 821.

AN ACT to incorporate the town of Airdrie.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Airdrie, in Muhlenburg county, is established and incorporated, with the lots and streets, alleys, and land in the following boundary, to-wit: Beginning on Green river, in front of the steam mill; running thence up Green river, binding thereon, five hundred yards; thence at right angles with Green river, in a southerly direction, a half mile, to a stake; thence in a direction parallel to Green river one thousand yards, to a stake; thence to Green river at a point five hundred yards below the beginning; thence up Green river, binding thereon, to the beginning.

§ 2. That S. S. Heath, and R. M. Patterson are hereby appointed judges of the first election of Trustees for said town, who, after having taken an oath impartially to discharge their duty, shall, on the first Saturday in April, 1858, after having given three days notice, proceed to the election of five Trustees of said town: *Provided*, That if said election is not then held they may hold said election at any time during the year 1858.

§ 3. That after the first election the general laws as applicable to towns in this State, shall apply to the town of Airdrie; and said Trustees shall hold their office until the next election under the general law, and until their successors are qualified.

§ 4. That said Trustees shall have power, after having obtained the consent of the owner or owners of the lots or land in said town, to open any other streets or alleys, and to have the plat of said town recorded in the office of the Clerk of the Muhlenburg County Court.

§ 5. This act shall take effect from its passage.

Approved February 17, 1858.

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CHAPTER 823.

AN ACT to incorporate the town of Ripysville, in Anderson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Ripysville, in the county of Anderson, be and the same is hereby incorporated according

to the following boundary: Commencing at the store house lately occupied by John Ripy, on the turnpike road, and running thence one quarter of a mile east, and the same distance south, the same distance west, and the same distance to the beginning.

§ 2. That said town be governed and regulated in the same way, and have the same corporate powers, that the town of Rough and Ready, in said county, now has and possesses, according to the act regulating said town.

Approved February 17, 1858.

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#### CHAPTER 826.

AN ACT to amend the charter of the First German Protestant St. Peters Congregation of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act passed February 10th, 1855, incorporating the First German Evangelical Protestant St. Peters Congregation of the city of Louisville, be so amended as to allow the voters of said congregation to elect their ministers in the manner herein prescribed, and make such laws, rules, and regulations as they may think best for the welfare and prosperity of said congregation. This act to take effect from and after its passage.

#### ARTICLE I.

This congregation shall be known by the name of the "First German Evangelic Protestant Congregation," of the St. Paulus church.

#### ARTICLE II.

For all times to come, no other language shall be introduced in performing the religious services except the German.

#### ARTICLE III.

No other religious services shall ever be performed in this church, except such which are based on the fundamental principle of the christian protestant religion according with the definition of the scripture by the Reformers Luther and Zwingli.

#### ARTICLE IV.

All the property of this congregation shall forever remain the undividable property of the same; expelled as well as withdrawn members can never claim an interest in any of the property of this congregation, or any part thereof.

#### ARTICLE V.

The foregoing four articles of this constitution shall never be altered or amended, so long as nine members of this congregation are willing to uphold the same.

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hollydays in the church, and at the request of the congregation he is to deliver evening sermons; to prepare confirmants for confirmation, and to confirm them in open congregation; he is to distribute the holy sacraments; to visit the sick, and to console them as much as possible, to the holy Evangelist, and especially to teach them the happiness of a better and future life hereafter.

## ARTICLE XX.

The Minister shall keep a church record, in a book belonging to this congregation, wherein he shall truly and correctly enter all names of persons baptised, confirmed, married, and deaths, in this congregation, in alphabetical order; he has to make a full report thereof on new year's day to the congregation, and read the same before them.

## ARTICLE XXI.

The Minister shall open, in presence of the Consistory, the poor-box of this congregation, and receive the money therein for safe-keeping; he is to consult with the same, for the best and most useful distribution of the same.

## ARTICLE XXII.

The Minister shall pay, with the consent of the Consistory, all money provided for the poor; it shall be his duty to see that poor and needy brothers and sisters of our congregation shall be assisted before others.

## ARTICLE XXIII.

The Minister shall lay every year, by closing of the books by the Consistory, before them, his church records, which are, by order of the congregation, in his care, for approval, and make special report of the receipts and expenditures of moneys belonging to the poor-box.

## ARTICLE XXIV.

The Minister shall during the year, at least once, in company with the Church Directors, visit all the members of this congregation, and to admonish them in their religious duties and urge them as much as possible to visit the public ceremonies of the church.

## ARTICLE XXV.

The Directors of this church shall consist of not less than nine members; they shall be elected every year, the election to be had on the last Monday in the month of June; they can be re-elected at the expiration of their time; they shall be installed in open church, with prayers, and shaking of hands with the Minister.

## ARTICLE XXVI.

The election of the Directors, as also the Ministers, shall be publicly announced two Sundays from the pulpit, before such election takes place.

## ARTICLE XXVII.

The new elected Directors shall elect one of their members for President, Secretary, and Treasurer. The President shall preside at all Consistorys, Directors, and Congregations meetings.

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## ARTICLE XXVIII.

The Secretary shall keep a full and true record of the meetings of the Consistorys and Congregation; he shall keep a true account of all moneys received and expended, and make a full report every year thereof to the congregation.

## ARTICLE XXIX.

The Treasurer shall receive all moneys from the Directors, and give his receipts therefor; he shall pay no money except the orders are signed by the Secretary, and countersigned by the President.

## ARTICLE XXX.

The duties of the Consistory are, in general, to set an example to the congregation in leading a moral, christian, and religious life; to consult with the Minister the best interest and furtherance of this congregation; to advance the Evangelic doctrine in this commune; and to see that the receipts and expenses are regularly entered in the books;—the first regularly entered and the last punctually paid over.

## ARTICLE XXXI.

The duties of the Trustees are—Carefully to preserve the deeds and other documents of this congregation; to secure the property of this church from damages; to see the buildings of this church well erected; to keep the same in good order and repair; should the congregation become in debt, to provide and consult with the same the best way to liquidate the same; should this congregation be in need of borrowing money, and the congregation concurs therein, so shall it be the especial duty of the Trustees to council and act thereon; they shall every year examine the books and accounts of the Secretary and Treasurer, and, if found correct, put their signature thereto; they shall then take possession of all documents received during the past year by the Secretary and Treasurer, and file the same carefully away; they shall keep a regular record of all their doings in the premises, so that the same can be laid before the congregation at their request.

## ARTICLE XXXII.

The duties of the Elders are—To visit the school from time to time, and see that good order is kept therein; to see that the German language and Christian religion is not neglected therein; and to see, in general, that the

1858. children are well taught; they shall collect the contribution to the church, and for other purposes, at the church door; should difficulties and bad feelings arise in the congregation, they shall, by all means, reconcile the parties, but be careful not to take sides with any party, but restore peace and harmony; should the Minister require them to visit the sick, it shall be their duty to do so; they shall also keep a watchful eye on the receipts and expenditures of this congregation, see that they are well accounted for; and generally to have the best endeavor for the welfare of this congregation.

ARTICLE XXXIII.

The duties of the Directors are to assist in the public and private worship, and especially in the distribution of the holy sacrament; to enter on the books the several gifts and contribution to this congregation, by members of this commune, or other donators, and to pay the same over to the Treasurer and take his receipt therefor; they shall keep good order during the public services, and have to assist in every way and manner.

ARTICLE XXXIV.

The Consistory shall meet four times during the year, which meetings shall be regular and lawful, and are to be held on the following stated times, viz: The first Tuesday in the months of January, April, July, and October. The President shall have the power, at any time, in case the Consistory or the welfare of the congregation may require the same, to call an extra meeting.

ARTICLE XXXV.

The President shall, if seven members of this congregation desire, in writing, that an extra meeting is to be held, call said meeting inside the next two weeks; if also seven members of the Consistory desire the same, in writing, he shall call the Consistory together inside two weeks: *Provided always,* That the seven members of the congregation, or the seven members of the Consistory who desire such meetings, have signed the request in their own proper hand writing, and state the reason therein for the call of such meetings.

ARTICLE XXXVI.

If a meeting of the congregation or Consistory shall take place, notice shall be given thereof on the two preceding Sundays in church; the same shall be published in the following way: The Secretary of the Consistory shall write out the notice, get the same countersigned by the President, the same shall then be handed to the Minister, who shall read the same, (word for word,) to the congregation.

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## ARTICLE XXXVII.

At all meetings of the Consistory at least one-half of the members thereof shall be present to do business; no business shall be legal without the number required being present.

## ARTICLE XXXVIII.

At all meetings of the congregation or Consistory a majority of votes shall decide a question.

## ARTICLE XXXIX.

The Consistory shall have the right and power to make all necessary repairs on the church, and procure necessary articles for the benefit of the church, or order the same to be made, when the sum for such expenses does not amount above one hundred dollars—for larger amounts the congregation has to make the allowances.

## ARTICLE XL.

All members belonging to the Consistory must live up to the principles of a true christian, when they wish to hold the office, they shall be present at all public services of the church, also at all consistorial and congregational meetings.

## ARTICLE XLI.

In case a member of the Consistory shall or cannot come up to the before named duties, so shall the President call on him or them, and draw their attention to such neglect, and advise them of their duties towards the congregation; should they still be neglectful of their duty, then the Consistory shall ask such negligent members, as a body, to resign their places, so that better and more faithful ones be selected in their places.

## ARTICLE XLII.

The Consistory consists, as named in article x, of the Trustees, Elders, and, Directors of this church; the meetings to be presided over by the President, and the records to be kept by the Secretary of the Consistory.

## ARTICLE XLIII.

The Trustees are to be a separate body by themselves; they are to select their own President and Secretary; their meetings shall be called Trustee meetings; they shall also keep a separate record of their doings, in the same manner as the Consistory and Directors, in separate books, which record shall be laid before the congregation for investigation if desired by them.

## ARTICLE XLIV.

In case of absence or sickness of the President of the Consistory, the Secretary shall have the right to call consistorial and congregational meetings; the members then present shall select one of their number as President *pro tem.*, until the President resumes his place, or a new election takes place.

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## ARTICLE XLV.

When a new Consistory is elected, then the withdrawing one shall make a final settlement with the newly elected one, and the Trustees shall give over to the newly elected Secretary and Treasurer, all the books, &c., belonging to their offices, who shall receipt to them for the same.

## ARTICLE XLVI.

The Secretary and Treasurer shall give bond and security to the congregation for the faithful performance of their duty, in such sums as to the amounts of money that may come in their hands.

## ARTICLE XLVII.

The Consistory shall, every year, elect in their October meeting, a Sexton for the time of one year.

## ARTICLE XLVIII.

The election of the Sexton shall be publicly announced in church, two Sundays before such election takes place; whoever wishes to accept the office shall make application during that time to the President and Secretary of the Consistory, and notify the same thereof.

## ARTICLE XLIX.

The Sexton is to be elected by the Consistory—a majority of votes to decide.

## ARTICLE L.

The duties of the Sexton are—to be present at all divine services, consistorial and congregational meetings, to open and close the church doors; and keep the church in good order, and take good care thereof.

## ARTICLE LI.

The Sexton shall keep all articles belonging to the church in clean and nice order; he shall generally keep the whole church, such as seats, chairs, &c., in good order.

## ARTICLE LII.

The Sexton shall serve all notices for extra meetings of the Consistory and Directors, for which service he shall receive an extra compensation.

## ARTICLE LIII.

The salary of the Sexton shall be regulated by the Consistory; the Consistory shall select an honest and trustworthy Sexton.

## ARTICLE LIV.

If the Sexton neglects his duty, any fine the Consistory shall impose on him shall be binding on the same.

## ARTICLE LV.

Should the Sexton be sick, or be prevented by sickness in his family to perform his duty in such case he shall have

the right to select some trustworthy person in his place, as long as he can show sufficient reason that he is not able to perform the services of Sexton himself.

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## ARTICLE LVI.

The Sexton shall when he retires from his office, deliver all articles left under his care to the Trustees of the St. Paulus church.

## ARTICLE LVII.

The Sexton shall be paid in quarterly payments.

## ARTICLE LVIII.

With the St. Paulus church shall, if the circumstances permit the same, be connected, at all times, a congregation school, the teachers whereof are to be selected by the congregation.

## ARTICLE LIX.

The Teachers shall be elected for three years; they shall play the organ, and lead the singing in church as well in public or private worship; they shall receive for this service extra pay from the congregation.

## ARTICLE LX.

The congregation retains to themselves the supervision of the school; that duty shall be performed by School Directors, selected by the Consistory. The School Directors shall be the Minister of the church, the two Elders, and four members of the congregation selected by the Consistory.

## ARTICLE LXI.

The School Directors shall be elected every year, in the first regular Consistorial meeting, on which occasion the Old School Directors shall make a full report of the affairs and circumstances of the school during the year past.

## ARTICLE LXII.

Should it be the case that one of the teachers of this school wishes to resign his situation he shall give the congregation at least one month's notice; by complying with this stipulation the congregation shall accept his resignation.

## ARTICLE LXIII.

Should a teacher become disabled to perform his duties, as prescribed by the school regulation of the St. Paulus school, or begin to lead an immoral life, or to become otherwise neglectful in his duties, the congregation shall then have the right, at any time, to dismiss such neglectful or disabled teacher from his situation.

## ARTICLE LXIV.

The school regulation of the St. Paulus school, adopted on the 28th day of July, 1852, shall be enforced by the School Directors, Teachers, and obeyed by the scholars,

1858. until two-thirds of the members of this congregation agree to make an alteration therein.

ARTICLE LXV.

All elections to be held in this congregation or Consistory shall be with closed ballots; there shall be a list of the names of the voters entered in a book for that purpose, and every member of this congregation shall, by giving his vote in a closed ballot, tell his name to the Secretary. All members of this congregation, who are entitled to a vote, but cannot be present at any of the aforesaid elections, may send in their proxy; such members shall send in their choice, naming the person for whom they wish to vote, and sign their name thereto, also seal the same up, otherwise such vote cannot be received as legal.

ARTICLE LXVI.

The Consistory shall have the right to make such by-laws as best suit the welfare and good of this congregation, but they shall not be against and articles of this church constitution, or against the laws of the State of Kentucky.

ARTICLE LXVII.

This church constitution shall be as long in power until two-thirds of the members of this congregation may make an alteration therein, except the five first articles, which shall remain as long as nine members of this congregation agree to keep the same in power.

Approved February 17, 1858.

CHAPTER 827.

AN ACT to charter the White Sulphur and Chalybeate Springs Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Powhatan M. Robertson, Elijah G. Sebree, William H. Scott, and Charles Seymour, and their associates, successors, and assigns, shall be and are hereby created a body politic and corporate, under the name and style of "The White Sulphur and Chalybeate Springs Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and generally to do and perform all acts and things that a corporation, for particular purposes, may rightfully do; and said corporation may have and use a common seal; also, may purchase, receive, hold, and enjoy, lands, rents, tenements, goods, chattels, and effects, to the amount and cost of two hundred thousand dollars, and the same to sell, convey, or demise; also, may ordain or put into execution such by-laws, rules, and regulations for the good government of its affairs, and for the advancement of its

interest, as shall be deemed most expedient: *Provided*, They shall not be contrary to the constitution and laws of this State or of the United States.

§ 2. That the business of this corporation shall be the erection and furnishing of suitable buildings, the construction of promenades, baths, store-houses, and other matters which proposes to appertain to a healthful and fashionable watering place; they may use and employ one thousand acres of land in Henderson county, for the purposes of this corporation: *Provided*, They shall not be allowed to engage in buying and selling lands.

§ 3. The fiscal and prudential concerns of said corporation shall be confided to a President and four Managers, and such other officers and agents as the business of the company may require; the shares of said company shall be one hundred dollars each, and shall be held as personal estate, and shall be transferred as said corporation may prescribe.

Approved February 17, 1858.

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#### CHAPTER 828.

AN ACT to amend an act, entitled, ~~an~~ act to charter the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in elections for officers for the city of Louisville, which are voted for by the voters of said city, no person shall be entitled to vote who has not first paid his poll tax, as levied and collectable by the charter and ordinances of said city, twenty days before he offers to vote; and the evidences of such payment shall be the receipt of the Tax Collector, or, if such receipt has been lost or mislaid, the oath of the party offering to vote, that he has paid his poll tax, may be taken.

§ 2. That so much of section nine of article III of said charter, as allows the members of the General Council of said city two dollars per day for their attendance upon the sessions, be and the same is hereby repealed.

Approved February 17, 1858

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#### CHAPTER 830.

AN ACT for the benefit of Sanford Goins.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the sum of one hundred and thirty dollars and seventy cents be allowed Sanford Goins, for furnishing ammunition, &c., and firing a national salute on 8th January and 22nd February, 1857; and the Auditor is hereby

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LAWS OF KENTUCKY.

1858.

directed to draw his warrant on the treasury for the said one hundred and thirty dollars and seventy cents, in favor of the said Goins.

Approved February 17, 1858.

CHAPTER 838.

AN ACT to reduce into one the several acts incorporating the town of Madisonville, in Hopkins county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

When Trustees  
and Marshal to  
be elected.

§ 1. That hereafter, the prudential, fiscal, and municipal concerns of said town, as now laid out and defined, shall be vested in five Trustees, who, together with a Town Marshal, shall be elected annually on the first Saturday in April, by the free white male inhabitants over twenty-one years of age, who shall have been *bona fide* residents of said town three months next preceding said election. Said Trustees, when elected, shall hold their offices for the term of one year, and until their successors are elected and duly qualified. That said Trustees, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace, or other officer authorized to administer oaths, that they will faithfully and without partiality or affection to any one, discharge the duties of Trustees of said town during their continuance in office.

Chairman to be  
elected.

§ 2. That said Trustees shall proceed, after their qualification, to elect one of their number Chairman, who shall preside at their meetings, have power to convene the board when, in his opinion, the interest of the town demands it. It shall be his duty to see that all the ordinances and by-laws of said town are duly executed and put in force.

Name and style.

§ 3. The said Trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of "The Board of Trustees of the town of Madisonville;" and by that name shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places, and do all acts, matters, and things, which a body politic and corporate, having perpetual succession, can lawfully and rightfully do.

May make con-  
veyances.

§ 4. That said Trustees, or a majority of them, shall have power to make or receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and sidewalks of said town, or which may be hereafter opened, and may direct the improvement of the same as they shall deem most beneficial to the interest of said town; they shall have power to levy and col-

1858.

General powers

lect an *ad valorem* tax upon the property of said town, not exceeding fifteen cents upon the one hundred dollars in any one year, and a poll tax on each free male over the age of twenty-one years not exceeding one dollar; they shall have power to tax auction sales, shows, and exhibitions for money or profit, such sum as they, by their by-laws, may declare; they shall have power to suppress tippling houses, and may fine all those who may violate their by-laws, any sum not exceeding fifteen dollars, except for disturbance of religious worship, riots, routs, unlawful assemblies, breaches of the peace, and tippling houses, where the penalty shall be as now provided by law, which may be recovered before the Police Judge hereinafter provided for, the Presiding Judge of the County Court, or any Justice of the Peace in Hopkins county; they shall have power to remove all disorderly itinerant free persons of color from within the limits of said town; they shall have power to declare what are nuisances, and remove the same; they shall have power to inflict a fine of one dollar for a failure of any member to attend a meeting of the board; they shall have power to fill all vacancies, except otherwise herein provided; they shall have full power to pass all by-laws and ordinances necessary for carrying into effect all the powers herein granted, and executing all the provisions of this charter.

§ 5. That it shall be the duty of the said Trustees to appoint a Treasurer, Clerk, and such other officers as they may deem necessary, and take from them, respectively, bonds with approved security, payable to the Board of Trustees of Madisonville, and their successors in office, in such penalty as said Trustees may direct, conditioned for the faithful discharge of their respective duties; and for a violation on the part of either of said officers, suits may be brought and motions made before any tribunal having jurisdiction thereof, in the same manner and under the same rules and regulations, that suits are brought and motions made against other officers for a failure of duty.

Shall appoint  
treasurer, clerk,  
and other offi-  
cers.

§ 6. There shall also be elected, by the qualified voters of said town, on the said first Saturday in April next, and on the first Saturday in April in every fourth year thereafter, an officer to be styled the Police Judge of Madisonville, who shall reside in said town, be twenty-five years of age at the time of his election, and a *bona fide* resident of said town six months next preceding his election; he shall be commissioned by the Governor for four years, and before he enters upon the duties of his office shall take an oath before some Justice of the Peace, or other officer authorized to administer oaths, to discharge the duties of his office faithfully and impartially, to the best of his ability, without favor or affection, together with such other oaths as are required of public officers. The

Police Judge  
to be elected.

1858.

Jurisdiction, &amp;c.

said Police Judge shall have jurisdiction, in the limits of said town, of civil causes of which Justices of the Peace have jurisdiction. He shall be a conservator of the peace, and have the same jurisdiction of breaches of the peace and other violations of the penal law, in the limits of said town, that Justices of the Peace have; he shall have jurisdiction of all offenses arising under the ordinances and by-laws of said town, and shall have power to enter judgment and award execution accordingly; and it shall be the duty of said judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of Justices of the Peace; he shall have power to issue summons for witnesses to give evidence in causes pending before him, and upon their failure to attend to issue compulsory process to compel their attendance; he shall have power to fine and imprison for contempt: *Provided*, That said fine shall not exceed five dollars, nor the imprisonment eight hours; he shall have power to order the Marshal to summon a jury in any case cognisable before him, where a jury would be necessary before the Circuit Court, Quarterly Court, or a Justice of the Peace. It shall be lawful for said Police Judge to take depositions and certify the same to be read as evidence in any suit pending in this State; he shall be authorized to administer all oaths that may be administered by Justices of the Peace; he shall be entitled to the following fees, to-wit: For a peace warrant, one dollar; warrant for riot, rout, unlawful assembly, or breach of the peace, fifty cents, or for warrant for a breach or violation of any of the ordinances or by-laws of said town, or in any case in which the Trustees are plaintiffs, twenty-five cents; for swearing a jury and presiding over, in any case, (except forcible entry and detainer,) fifty cents; for taking recognizances to keep the peace, fifty cents, to be paid by the applicant; for each subpœna, fifteen cents; for each judgment in a civil case, twenty-five cents. All other fees of said judge, shall be the same allowed by law to Justices of the Peace for like services, and all collected in the same manner.

! By whom elections held.

§ 7. The Clerk of the Hopkins County Court, and the Sheriff of said county, shall hold the election at the court house in said town, for the election of said Trustees, Police Judge, and Marshal, and shall within three days thereafter, certify to the Governor, the name of the individual elected Police Judge of said town, and it shall be the duty of the Governor to commission him Police Judge of Madisonville for four years, as provided in the sixth section. And if a vacancy shall occur in said office, it shall be the duty of the said Clerk and Sheriff forthwith to notify the voters of said town thereof, and hold an election to fill the vacancy for the unexpired term, and certi-

fy to the Governor as above directed, provided they give said notice in writing, posted at the court house door five days before said election.

1858.

Trustees may  
enlarge streets.

§ 8. It shall and may be lawful for said Trustees to enlarge any of the existing streets and alleys in said town, and if necessary, (of which they shall be the judges,) to open new streets and alleys, after first obtaining from the owners of the lots or lands conveyances for the same for such streets and alleys, and if the owner or owners of said lots or lands shall refuse to make the necessary conveyances, then it shall be lawful for the said Trustees of said town to prefer a petition to the court for the county of Hopkins, praying that the street or streets proposed to be opened or enlarged in said town, may be opened and extended, whereupon it shall be the duty of the said County Court to order a summons to issue to the proprietor or proprietors of said lots or lands through which the said streets may be proposed to be opened and extended, if they be found within the county, and if not, then to his or her agent, if any they have, to show cause why said streets shall not be so opened and extended. Upon the return of any such summons, if any proprietor or agent shall so desire, the said court shall order their Clerk to issue a writ in the nature of a writ of *ad quod damnum*, to be directed to the Sheriff of said county, commanding him to summon and empanel twelve good and discreet freeholders of the vicinage, none of whom shall be citizens of said town or owners of property therein, to meet upon the ground through which the proposed street or streets may be conducted, and on a certain day to be named by the court and inserted in said writ, of which notice shall be given by the Sheriff to the proprietors or their agents, as before directed, if they were not present in court at the time of making the order, which freeholders shall be charged by the Sheriff impartially and to the best of their skill and judgment to view the land or ground through which the said street or streets may be proposed to be conducted, and say what damage it will be of to the proprietor or proprietors who desired such writ, taking into estimation, as well the use of the land or pieces of ground to be occupied for said street or streets, as also the damage or injury the opening and extending may be to the property through which they may pass; and if the inquest cannot be completed in one day, the Sheriff shall adjourn the jurors from day to day until the same be completed, which inquest, signed and sealed by the said jurors, together with the writ, shall be returned to the court, who thereupon shall direct said street or streets to be opened and extended as applied for, upon the said Trustees paying or causing to be paid the damages so found, and the costs of said inquest, in open court to the Clerk

1858.

thereof, which damages and costs the court shall direct to be paid to those respectively entitled thereto; but if the jury shall be of opinion that no damages shall be awarded to the person or persons opposing the opening and extending of said streets, the costs of said inquest shall be adjudged against the person or persons so opposing.

Treasurer and  
Clerk to keep  
records, &c.

§ 9. That it shall be the duty of the Treasurer and Clerk to keep a record of the proceedings which properly belong to their respective offices, and it shall be the duty of the Treasurer to render an account to the Trustees of all moneys received and paid out by him, whenever by them required so to do.

Appeals may be  
taken.

§ 10. That from all judgments rendered by said Police Judge either party may appeal to the Circuit Court or Quarterly Court under the same rules and regulations authorizing appeals from judgments of Justices of the Peace to said courts.

Duties of Mar-  
shal.

§ 11. That it shall be the duty of the Marshal to execute all process and precepts to him directed by the said Police Judge, Presiding Judge or Justice of the Peace for Hopkins county and make due return thereof, collect all taxes of said town, executions and other demands which may be put into his hands to collect, and account for and pay over the same to whomsoever may be entitled thereto, under the same rules and regulations required of Sheriffs in the collection of taxes, and of Constables in the collection of executions or other demands and for failure, of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had against Sheriffs or Constables in similar cases. The said Marshal shall have the same power and be entitled to the same fees for collecting town tax that Sheriffs have for collecting the revenue tax and county levy and in all other cases the same fees allowed Constables for similar services provided said Police Judge shall have power and authority to direct his process to be executed by the Sheriff or any Constable of Hopkins county said Marshal be vested with all power and authority which is given Constables in all cases cognizable before said Police Judge. He shall have power if need be to summon the aid of the county in executing any process to him directed, any person or persons failing to aid said Marshal when so summoned may be fined or imprisoned by said Police Judge the fine not to exceed five dollars nor the imprisonment eight hours: *Provided however,* That all the powers given in this section shall only be exercised in the town of Madisonville.

§ 12. That the fines and forfeitures for a violation of said ordinances or by-laws of said town and in all cases cognizable before said Police Judge shall be collected and paid to the treasurer of said Board of Trustees, for the

use and benefit of said town, and all moneys collected by a judgment of the Presiding Judge or Justice of the Peace for Hopkins county for a violation of any of the ordinances or by-laws of said town committed within the limits thereof, shall in like manner, be paid over to the said Treasurer.

§ 13. That no money shall be drawn from the treasury except by order of the Chairman in pursuance of allowances made by said Board of Trustees.

1858.

How money  
may be drawn.

§ 14. That the Trustees shall annually appoint one Town Assessor, who shall take a list of all the taxable inhabitants and owners of property in said town and affix against each separately the amount of his, her, or their whole estate within said town subject to taxation under the laws of this Commonwealth, whfth lists shall be taken in the same manner that the State revenue are now or may hereafter be taken.

§ 15. That it shall be the duty of the Clerk of the Board of Trustees to make out and deliver to the Collector a fair copy of the Assessors book, with the amount of tax to be paid by each individual, and take his receipt therefor, and the Trustees by their warrant authorize and direct the Collector to collect the same, and shall make said Clerk, Assessor, and Collector such compensation as they may deem proper.

§ 16. That the Trustees shall have power to repair and keep in order the public well and spring of said town at the common expense.

§ 17. The Trustees shall cause all by-laws and ordinances passed by them from time to time to be recorded in the journal of their proceedings, and post up a copy of the same at the door of the court house in said town.

§ 18. That the Trustees may cause the sidewalks in said town to be curbed and paved as they may direct, the cost whereof shall be apportioned and assessed by said Trustees against the owners of said lots fronting on said sidewalks and a lien is given on said lots for the same, or the Board of Trustees in their discretion may cause said lots to be rented out until said improvements are paid for.

§ 19. That for any tax to be levied under this law upon the personal or real property in said town, there shall exist a lien on the same in favor of the Trustees for said tax until the same shall be paid.

§ 20. That in all meetings of the Trustees three shall constitute a quorum to do business.

§ 21. That hereafter no person shall hold the office of Trustee unless he shall have resided six months in said town next preceding his election.

Assessor shall  
be appointed.Clerk to make  
out tax list.Trustees to keep  
well in order.By-laws, &c., to  
be recorded.Trustees may  
have sidewalks  
curbed & paved

Lien for taxes.

Quorum.

Qualifications of  
Trustees.

1858.

## CHAPTER 833.

AN ACT to incorporate the Portland Savings Bank.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporators.

§ 1. That Paul Villier, Nathaniel T. Plummer, David T. Monsarat, Wm. A. Duckwall, and John M. Hueston, and their associates and successors, are hereby constituted a body corporate and politic, by the name of "The Portland Savings Institution;" and as such shall possess and exercise all the powers, privileges, and rights of a body corporate, and all the powers granted by this act for the term of twenty-five years, from and after the passage of this act, with a capital of not exceeding two hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

President,  
Treasurer, &c.,  
to be elected.

§ 2. That the above named corporators, together with such others as may be associated with them, shall have power and are hereby authorized to elect, at such times and places as may be convenient, a President, Secretary, Treasurer, Attorney, and such other officers as they may deem needful for the transaction of their corporate business, and to take security from any such officers for the faithful performance of their duties, and to make and enforce such by-laws, not inconsistent with public law, as may be necessary for the conduct of said business.

When business  
may be com-  
menced.

§ 3. That said corporation may commence business from the time of their organization under this act.

Business of  
corporation.

§ 4. That said corporation shall have power, and they are hereby authorized, to receive on deposit gold and silver coin and bank notes, and issue certificates thereon, and allow such interest as may be agreed upon, and to loan the same at legal rates of interest, and to purchase and collect and dispose of bonds and bills, and to discount notes, but in no case at a greater rate of exchange, interest, or discount than is allowed by law to the Bank of Kentucky, and to purchase and hold such real and personal estate as may be convenient for the transaction of its business; also, to take and hold any real and personal estate as security, secure the payment of any debt due said corporation, or to purchase real and personal estate at any sale made in virtue of any judgment at law or decree in equity, in favor of said corporation; to receive in satisfaction of any debt due to said corporation any real or personal estate, and to hold the same so long as will enable said corporation to dispose of the same advantageously.

Books to be  
opened and no-  
tice given.

§ 5. That the corporators, aforementioned, or a majority of them, may elect, at some convenient time and place, in the town of Portland, of which due notice shall be given through some newspaper published in the city of Louisville, at which meeting they may open books and

receive subscriptions to the stock of said institution: *Provided however,* That the company shall not commence business until the sum of five dollars shall have been paid upon each share subscribed.

§ 6. That said corporation shall have all the rights and privileges of the chartered savings institutions of the State, and shall have a lien on the stock for debts due them before other creditors except the State and for taxes.

§ 7. This charter, and all the privileges and rights therein granted, shall be forfeited by any violation of the provisions thereof, by any of the officers of the institution, and also by the failure or refusal, upon the part of the officers thereof, to pay any tax imposed upon the institution by the general laws of this State.

§ 8. The Circuit Courts of Jefferson and Franklin counties shall each have jurisdiction to try and declare the forfeiture of this charter, upon the petition of the Attorney General or Commonwealth's Attorney, specifying the acts of forfeiture relied on.

§ 9. The General Assembly reserves the right to examine into the condition, business, and affairs of the institution by any person or committee selected or appointed for that purpose at any time and in such manner as the General Assembly direct.

§ 10. The Legislature reserves to itself the power to alter, amend, or repeal this charter at any time.

§ 11. This act shall take effect from and after its passage.

1858.

General powers.

How this charter forfeited.

What courts have jurisdiction.

Legislature may examine into affairs.

Approved February 17, 1858.

## CHAPTER 834.

AN ACT to incorporate the Cumberland and Nashville Coal and Lumber Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the persons who have heretofore subscribed stock, or may hereafter subscribe, in a company designated and known as the "Nashville Coal Company," incorporated by an act of the Legislature of the State of Tennessee, entitled, an act to incorporate "Clinton Turnpike Company, and for other purposes," passed the 24th day of February, A. D., 1852, be and they are hereby created and declared a body politic and corporate, under the name and style of "The Cumberland and Nashville Coal and Lumber Company;" and under that name they may have perpetual succession, may sue and be sued, may contract and be contracted with, may have a common seal, may purchase and hold such real and personal estate as they may deem necessary for carrying on the business of the

Corporators.

Name and style.

Powers.

1858.

corporation, and the same sell or dispose of at pleasure ; and make all needful by-laws for their government, not inconsistent with the laws of this Commonwealth, or of the United States

Capital stock.

§ 2. That the capital stock of said company shall consist of one thousand shares, of fifty dollars each, with the privilege of increasing the same to five thousand shares.

President and Directors.

§ 3. That the affairs of said company shall be managed by a President and five Directors, to be chosen by the stockholders ; and shall hold their office for one year, and until their successors are elected ; each stockholder shall be entitled to one vote for each share of stock owned by him, and vote in person or by proxy ; said President and Directors shall elect a Secretary to keep the books of the company, and appoint such other officers and agents as they may deem proper, making such compensation as they may deem fit and just ; three Directors may constitute a quorum to do business ; dividends may be declared annually, at which time the President and Directors shall make out and submit to the stockholders a full and fair report of the transactions and affairs of the company. If any subscriber for stock shall fail to pay any part of his stock, the same may be recovered by action of debt in any court of record having jurisdiction of the amount subscribed, or declared to be forfeited, as the Board of Directors may prescribe.

Business of company.

§ 4. That said company is authorized to mine coal, manufacture lumber and iron, and purchase and sell lumber, iron, iron ore, coal, timber, or other fuel, to the full amount of stock subscribed by them ; and when said company shall have deposited on the banks of the Cumberland river an amount of coal not less than fifty thousand bushels, they may sell the same in quantities which shall not amount to less than five dollars, and deliver to the purchaser or purchasers certificates of purchase, entitling the holder of the same to receive at the office of the company, or at the banks of the river, coal or lumber to the amount of his purchase : *Provided*, Said certificates shall express at what office of the company, or what deposit on the bank of the river, said certificate shall be payable.

Certificates to be issued.

§ 5. That the certificates issued as above provided for, shall be presented at the office, or one of the offices, within twelve months from the date of their issue ; the said certificates are hereby made transferable, and if presented within twelve months, if said company fail to discharge them in coal or lumber, as the case may be, they shall pay the same in cash, with ten per cent. interest thereon, or on failure to do so forfeit this charter.

When certificates to be presented.

Approved February 8, 1858.

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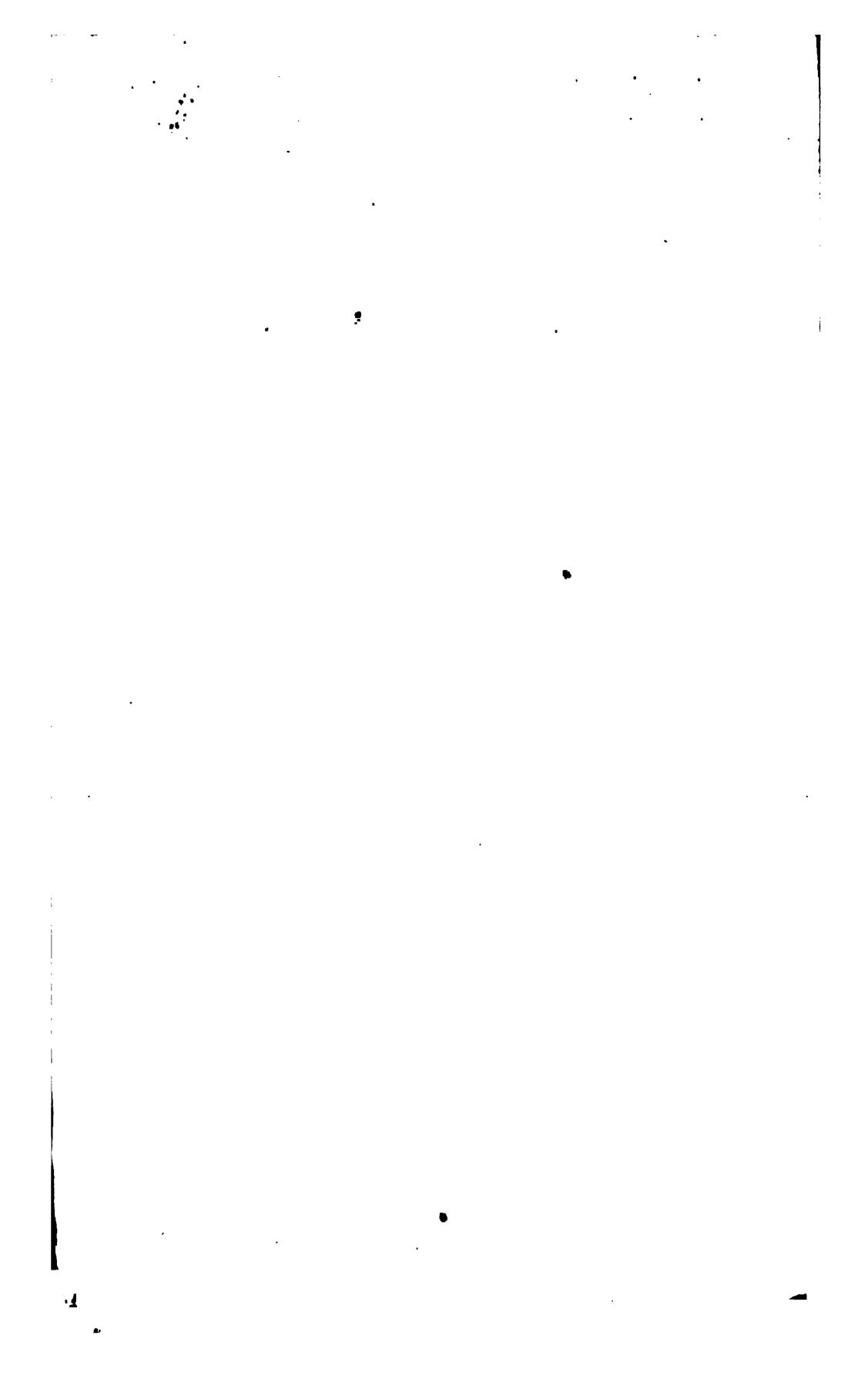
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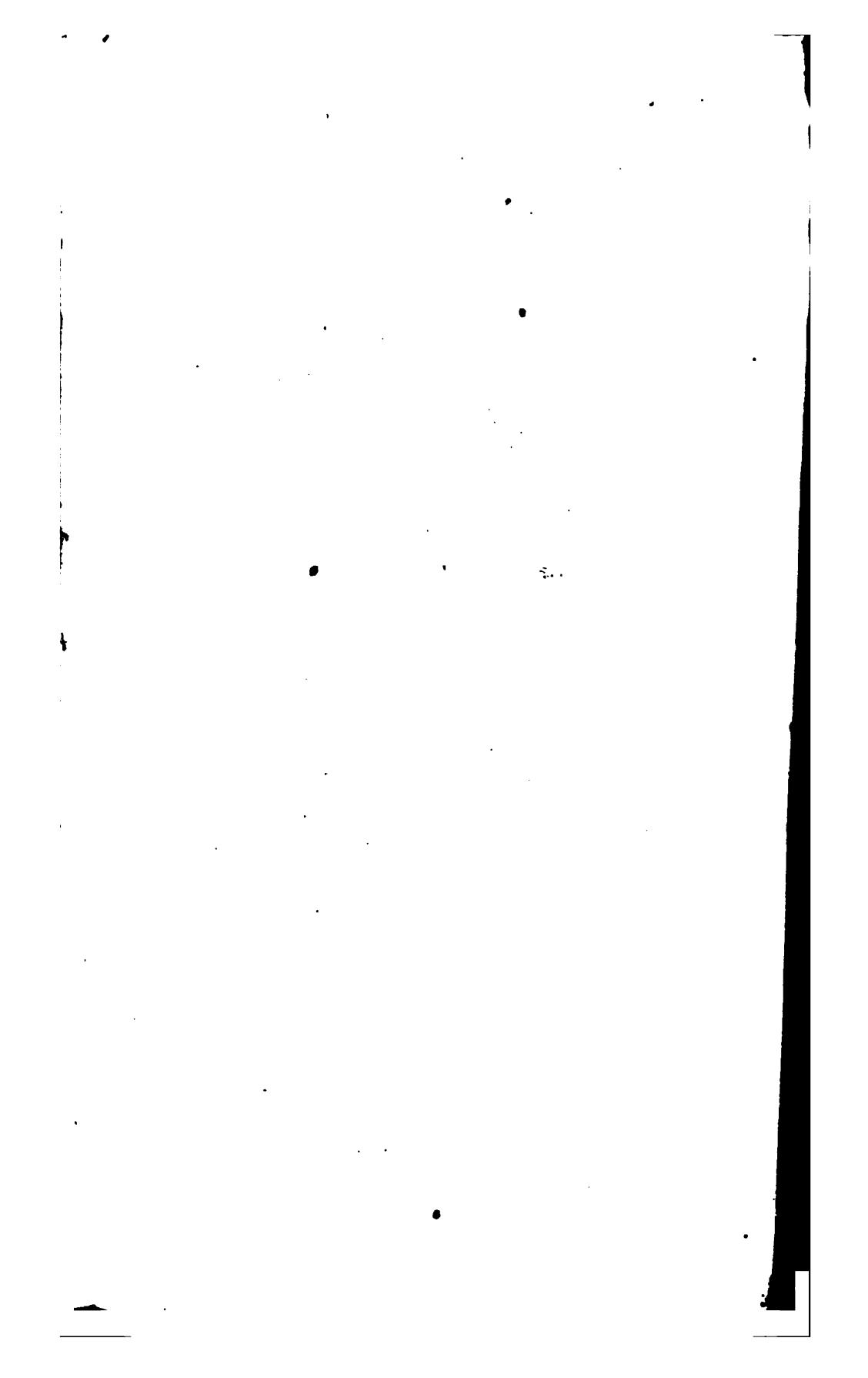
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